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FROM: THE SITUATION ROOM//TOSCO **7211**
PETER RODMAN FOR
TO: GENERAL SCOWCROFT

MR. COVEY FOR
SECRETARY KISSINGER

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December 3, 1975
Martin Agronsky Show
WETA PBS Channel 26

Agronsky chats with Rep. Otis Pike, Chairman House Select Committee on Intelligence and Myron Waldman, Newsday.

Agronsky: The House Intelligence Committee remains locked in a struggle with the Executive Branch over what material the Committee needs to do its job and although the Committee had previously voted to hold Secretary of State Henry Kissinger in contempt for failing to comply with the three subpoenas the Chairman now says he has obtained substantial compliance on two of those subpoenas but that he will pursue the third. Mr. Chairman, you have substantial compliance you say on two of your committee's subpoenas but you have received nothing.

Pike: Absolutely nothing.

Agronsky: In response to the third. Now the third, as I understand it is the one that directs the Secretary of State to supply documents on recommendations for covert operations between 1962 and 1972.

Pike: That is correct.

Agronsky: This is the one the President has invoked the Executive privilege.

Pike: That is right. We want the recommendations of the State Department for covert actions during that period.

Agronsky: OK. Now the President stands on Executive privilege therefore the Secretary of State stands on Executive privilege.

Pike: I think maybe it was the other way around. I think the Secretary of State stood on Executive privilege and then the President stood on Executive privilege.

Agronsky:

the Committee.

Pike: I don't know. I think that if they don't it is going to be a rather sad day because what we are dealing with if they tell us the truth and I have no reason to doubt them, Executive privilege being claimed, not for this President but for prior Presidents by this President, which is an extension of the concept which has never been attempted before.

Agronsky: Now.

Pike: Well,
/if he helps.

Agronsky: Does not support you your whole investigation falls down.

Pike: Well I in fairness to our investigation - we issued seven subpoenas on the particular day this one was issued we now have substantial compliance on six of them. I can't in all honesty say that the whole investigation is doomed because we don't get compliance with this one subpoena but I think it is material and I think it is necessary to the proper completion.

Agronsky: Is it true that the House leadership is in effect bringing pressure to bear on you to lay off.

Pike: I think the only fair thing to say would be that the House leadership and a lot of members of the House would just as soon not have to vote on the issues, but I don't feel that the House leadership has brought any pressure on me to lay off. I have discussed it with the House leadership. They have asked me why I think this is necessary. I have told them why I think this is necessary and they are not twisting my arm any.

Pike: Well I thought it would be poor taste,, to say the least, to bring it to the floor while Mr. Kissinger was in China. It is my intention to bring it to the floor shortly after he returns.

Waldman: That would be sometime before the end of the year?

Pike: I would hope so.

Waldman: And a vote before the end of the year?

Pike: Yes. I think it would be voted on the day it is brought to the floor.

Waldman: Well - doesn't this do pretty bad things according to the State Department to our foreign policy, the conduct of our foreign policy.

Pike: According to the State Department telling us anything does bad things to the conduct of our foreign policy.

Waldman: But this is a particular slap at the Secretary of State.

Pike: Now let's be fair and let's be reasonable. Earlier we treid to get recommendations and what we tried to get was a specific document but the man in charge of the Cyprus desk as to what happened in Cyprus at the time of the coup and the Turkish invasion. They said if you will just lay off these low level people, we policy makers will give you whatever you want. Now we are asking what the policy makers recommended and they are saying well that is Executive privilege. Now if Congress can't get what the middle level people recommended and can't get on the grounds of McCathyism, and can't get what the top level people recommended on the grounds of Executive privilege Congress can't ever exercise any oversight.

Waldman: You know the Senate Committee on Intelligence goes after all kinds of secret information and obviously gets quite a good deal.

And they don't get nearly half the flack that you get...
get accused of McCarthyism. Is there any reason why you get...

Pike: I think one of the reasons that we may have a little more difficulty is the fact that I think we are looking at more contemporary activities than the Senate has been looking at. I think that we have not had too much trouble with getting information as to older stuff and we have had a little more difficulty getting some of the more current stuff.

Waldman: And yet the basis for the grounds of Executive privilege that you denied - at least your argument against it is that they can't claim Executive privilege for actions of past Presidents.

Pike: I feel that they cannot. I think they have greatly stretched it even if it were for the present President.

Agronsky: Now you have, as Mike points out, come in for a lot of flack in two very strong editorials, for example, one in the Washington Post, one in the L.A. Times. The L.A. Times editorial on November 19th, the House Select Committee on Intelligence and its Chairman, Representative Otis Pike, have gone to far. They have mocked their responsibilities by recommending that the House find Secretary of State Kissinger in contempt of Congress, all because of a bitter and confused dispute over sensitive intelligence reports. The Committee's action is politically motivated. It is unnecessary. It is plainly damaging to the country.

Pike: Well, first of all the worst allegation there is that it is politically motivated. We had eight out of the nine Democrats vote for the citation and two out of ^{the} four Republicans vote for the citation, so that doesn't sound terribly politically motivated.

I can't remember the exact date of the meeting with it.

Agronsky: It is unnecessary, it is damaging to the country.

Pike: I think that what is most damaging to our country at the present time is the fact that large numbers of Americans don't believe that their government tells them the truth. I think perhaps the greatest risk to the survival of our democracy is the dissolution of large numbers of Americans with their government leaders and their belief that they aren't getting the truth. We have no axe to grind with Secretary Kissinger or anything else. This contempt citation - if he had given us those documents involving these recommendations for covert action nobody would have noticed it in a million years - it would have been a nothing. We are not talking about publicising them. We are talking about Congress getting access to these facts. This Committee felt that it needed those documents to do its job.

Agronsky: He argues, and let me use another quotation after he learned of the contempt proceeding. The Secretary said this "That it would raise serious questions all over the world what this country is doing to itself and what the necessity is to torment ourselves like this month after month. I would like for you to respond to that.

Pike: Well, the only thing I can say is that the argument has been raised before in other context.

Agronsky: You have the Watergate context.

Pike: Of course, the Watergate context. Anybody who was taking a hard position of don't tell them anything says oh they are going to destroy us if we find out anything. I think very frankly that

Mr. Kissinger is a brilliant man but I think he is overboard on the concept of secrecy, secret negotiations, secret agreements, secret recommendations, and to me a great deal of this has had a bad result for one thing. Some of the secrets which have been revealed, not only about the CIA but about the FBI and what have you, just show horrible violations of the law. I think that in my judgment this country has gone overboard on secrecy and we are not messing around with his ongoing negotiations in China, or SALT II, or France, or wherever he wants to go and negotiate. What we are looking at is past covert operations recommended by the State Department.

Waldman: Why do you want them?

Pike: Well we want them for a lot of reasons. One of the things that Congress told us to do was to look at how much oversight there has been, both by Congress and by the Executive Branch of Government. All of the things we found as we went down this route was that the CIA is not all bad. The CIA doesn't go charging off in doing things by itself. The CIA is told to do things quite frequently but the CIA itself thinks ... operations. It has seemed to me and I think to most of the members of the Committee, that where the CIA recommended programs they were likely to be more professional than when they were told to do things that they didn't really want to do and I feel rather strongly about this that when the White House or the State Department says to the CIA you go do this it is much more likely to be a very dubious operation.

Agronsky: Lets come to something that really emerges from all of your operations. Do you think that the Secretary of State in his conduct of the office has overstepped his jurisdiction and his authority?

jurisdiction and authority; he had so much jurisdiction and authority. He was special assistant to the President for National Security Affairs. He is still Secretary of State. He was a member of the NSC, he presided over meetings and he is the Chairman for the SALT verification panel. He had so much authority. It is almost impossible to say he overstepped it. I do think that he has done things in secrecy which other people should have known about.

Agronsky: Tell us.

Pike: Well, Admiral Zumwalt testified that there was a secret agreement entered into by Mr. Kissinger and Ambassador Dobrynin involving an interpretation of the SALT I agreement, which the Joint Chiefs of Staff, the Secretary of Defense and the then Secretary of State/^{Mr.}Rogers were not aware of for eleven months after this agreement was signed.

Agronsky: Can you conceive he could have entered into such an agreement by himself and without the President of the US telling him to do so.

Pike: I don't doubt that the President of the US

Agronsky: Can you fault them then or do you fault the President who was Mr. Nixon at that time?

Pike: It was Mr. Nixon.

Agronsky: What was that year by the way?

Pike: That would have been 1972, I believe, and I think the Secretary of Defense found out about it in '73 when the Russian delegates over in Geneva mentioned this agreement to our delegate.

Agronsky: Aren't you seeing here with Mr. Kissinger the Watergate mentality with which event we had to deal into the conduct of foreign policy.

Pike: I think that is possible. I think that's a very possible scenario.

Agronsky: Is it fair then to fault the Secretary?

Pike: I don't know. I think so. I think that I would even fault the President in that case.

Agronsky: So would I.

Pike: If the President and the Secretary and in this case he was acting as Special Assistant to the President for NSA makes an agreement affecting our SALT Treaty and there was a loophole in this secret agreement that they worked out, but without telling the Secretary of Defense what he is doing - yes, I fault him.

Waldman: Should he resign for this.

Pike: Oh no he shouldn't resign for this but let's get over the concept that he is not mortal too.

Agronsky: Listen Mr. Chairman, we are really getting to the guts of what you are trying to do. Now we are talking about accountability, we're talking about oversight.

Pike: Absolutely.

Agronsky: Is that the thrust of your investigation.

Pike: That is the thrust of our investigation and I think we have established accountability. Secretary Kissinger said that there were no covert actions without the knowledge of the President and there is your accountability. The CIA was not going off doing these things by itself. They did what the President told them.

Agronsky: You believe this?

Pike: I believe I have looked at it has been true every single time. I won't have looked at every covert operation that the CIA has ever undertaken.

Agronsky: Now you are back to number one. You are back to the President of the US. Can you legislate accountability for the President in this area? What can your Committee do?

Pike: Well, I think so. I think that we can prohibit, if we want to, certain actions. I think we could pass legislation, like I think we have past legislation which would present the kind of secret war that the CIA was conducting in Laos, for example. The only people that didn't know about this were the American people. The Laotians certainly knew that the bombing was going on. The Communists knew that this was going on and I think we have legislate against that. Now there is going to be a grey area, there is no question about it, the President has the constitutional responsibility to conduct our foreign affairs, but I don't think he can do covertly anything which he can't do overtly, and one of the things he can't do overtly is go off and get us involved in a war without Congressional approval.

Agronsky: This is what you are trying to stop?

Pike: Of course it is.

Waldman: Is that part of the risks that you talk about, war. What are some of the other risks that your Committee

Pike: Well, the risks that Americans are involved with ranges from the risk of war, down to the risk of having your phone bugged, down to the risk of having your mail intercepted. Let's get off the CIA for awhile and talk about some of the things the FBI has

been involved with. A basic risk I would say for America a different set of law enforcement regulations if your skin color, than if your skin is another color and I think that we have fairly well documented that.

Waldman: Well but because of a covert action do you know of any covert actions that have been undertaken by the US that have led or could have led us into war, anything at all?

Pike: Oh yes, I know of some covert actions/^{which} have been taken by the US which could have led us into war. I think that the odds of their doing so were fairly remote.

Agronsky: Can you give us an example?

Pike: Well obviously the Pueblo was a classic example that could have led us into war. Sure, and there have been others which I can't discuss.

Agronsky: The ship that was sunk by the Israelis in the Med.

Pike: Now the Pueblo was the one that was seized by the N. Koreans. The Liberty is another one but that/^{one} was not about to lead us into a war because it was our friends the Israelis....

Waldman: Were these covert actions worth it?

Pike: No, they weren't it. At the price you paid on the Pueblo, of course they weren't worth it. I don't say that if the Pueblo had not returned home unharmed it wouldn't have been worth something. I think that it wouldn't have been worth an awful lot but it would have been worth something.

Waldman: How do you make a determination? Where do you draw the line. What is a good covert action? What is a bad covert action?

Pike: That is a very tough question and a lot of thought does go into some of them. I think that once a ship like the Pueblo star

tance you have been dealing with say the testimony of Admiral Zumwalt, former Chief of Naval Operations, before your Committee, former Chairman John Cheeks. He charged the Secretary of State had withheld information on gross violations by the Soviet Union of the 1972 agreements, a limitation of strategic arms. Now you say you have received substantial compliance of the subpoena relating to SALT. Is that correct? Do you believe that the Soviets violated the 1972 SALT Agreement the way Zumwalt said.

Pike: I think that the Committee is almost unanimous in feeling that the Soviets have violated the agreement as it was explained to Congress and as it was sold to Congress. I think that there is a much greyer area as to whether they have violated the letter of the agreement given a liberal interpretation on behalf of the Soviets.

Agronsky: Well the other part of it though that is of interest to you and to everyone in the country is Zumwalt's point that the Secretary of State when he briefed the President did not brief him accurately. That's the point. As Zumwalt key officials without naming the Secretary of State were deceived by Kissinger. The President himself was grossly badly briefed about Soviet clearcut violations of nuclear arms agreements. Do you think that Admiral Zumwalt goes to far.

Pike: I simply don't know. I have know way of knowing how the President was briefed about Soviet violations.

Agronsky: Are you going to dig into that?

Pike: Well, we have tried from the day we started to get the President's daily briefings and this is a written document. We did get some of them actually on some issues. I don't know

whether we are going to or not. Very frankly we have a time problem with our Committee. We are just plain running out of time, our charter expires in January. I am not sure that that is within our jurisdiction. Our jurisdiction is in intelligence and I suppose it would be, I'm not sure it would be. How the President gets his briefings on SALT violations, all I will say is that comes a lot closer to the doctrine of Executive privilege than their refusal to obey our subpoenas on recommendations

Agronsky: ... self in January. Why does that have to be an arbitrary deadline? You can't finish by January. Why don't you go on?

Pike: I don't think the job of overseeing the intelligence community will ever be finished, if you take the intelligence community to mean the CIA, and the NSA and the FBI, and all of them. I think it requires continuing oversight. Our committee was not established for that purpose, or to do that job. I think there must be continuing oversight, but I think it would be an act of self-aggrandizement on my part if I said 'Let us continue to do this job for which we were not chosen.

Waldman: Can you finish by January 31?...and do a good job?

Pike: I think we will do a reasonable job. I think there's no question but that people can say, 'You should have looked at this, you should have looked at that, but my only answer... that can say that forever, no matter how much we look at, there will always be more things we could have looked at.

Waldman: Now, of all the things you've looked at, and all the things the Senate looks at, on the Senate side, we never hear anything good about the intelligence community. You hear about attempted assassinations and beards falling off of Castro ...

Pike: Well, that just isn't fair.

Waldman: That's what I was wondering. Does the intelligence community do anything right?

Pike: Sure the intelligence community does some things right, and they have a great many thousands of very dedicated, hard working men, risking their lives. They have some absolutely brilliant men, giving their lives to this kind of operation. My basic feeling is that in the gathering of intelligence, they do a great many things right. I think that the policy makers, in the utilization of intelligence, very frequently fall on their faces.

Agronsky: Now, that is terribly important, because you yourself have said, and this is a really tough accusation, ... you said in September, if an attack were to be launched on America in the very near future, it is my belief that America would not know the attack was about to be launched. I don't know how you can criticize more profoundly the operation of our intelligence.

Pike: Uh uhn. The radars picked up the Japanese planes at

didn't get through to the people who were supposed to analyze the intelligence. We have had, time after time, when intelligence said ...we had intelligence that the North Koreans were making threats before the Pueblo went in there. Nobody paid any attention. Our intelligence said that the Yom Kippur war was going to break out. Nobody believed it. The intelligence has been there time after time after time, but nobody used it, nobody analyzed it, nobody believed it.

Agronsky: Well, what do you do about that?

Pike: I don't ... there isn't any easy answer, there's no question about that. There isn't any easy answer. I happen to think that our intelligence community drowns in paper. I think we just gather infinitely more intelligence than we absorb and utilize. I think we've got to put a lot more emphasis on the analysis side of intelligence, as opposed to the gathering side of intelligence.

Agronsky: We need better people?

Pike: You always need better people, but in saying that, I don't mean to indicate that the people we have are not good people. I think that a great many of them are tremendously...

Agronsky: 'You don't mean to say,' but you say it when they continually make mistakes - fundamental mistakes - in judgment.

Pike: The mistakes as far as I can see are human mistakes,

which will probably continue to be made, but I still say we can do a much better job of analysis than we have done, and perhaps one of the things that we might do that would help would be to cut down the amount that we have to analyze.