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OLC 80-0004/2

February 6, 1980

MEMORANDUM FOR: Deputy Director of Central Intelligence  
FROM : Legislative Counsel  
SUBJECT : Testimony on Iran Findings Before HPSCI Subcommittee on Oversight, 7 February 1980

1. You are scheduled to appear before the Subcommittee on Oversight of the House Permanent Select Committee on Intelligence (HPSCI) at 2:00 p.m. on Thursday, 7 February 1980, to testify on the 27 December 1979 and 23 January 1980 Findings relating to Iran. The Subcommittee was unable to accommodate our request for an earlier time to avoid a conflict with your travel plans. The Subcommittee Chairman, Les Aspin (D., WI), is aware that you may have to depart before the Subcommittee has exhausted its questions and expects that [redacted] will remain until the session ends.

(b)(1)  
(b)(3)

2. You will recall that you appeared before this Subcommittee on 23 January to present the Findings of 27 and 28 December 1979 relating to Iran, Afghanistan, Oman and Sudan. Because of a conflict in your scheduling that day (a later appearance before the House Appropriations Defense Subcommittee on the Reserve reprogramming), the Subcommittee decided to take up only the Findings on Afghanistan and Iran, in that order. Not only did you never get to the Finding on Iran, but [redacted] had to complete the testimony on Afghanistan after your departure for HAC.

(b)(3)

3. On 29 January, [redacted] again appeared before the Subcommittee to satisfy its request for briefings on all outstanding Findings, now including those of 22 January on the Arabian Peninsula as well. Unaware of the 23 January special Finding, Aspin agreed in advance to defer the 27 December Finding on Iran since neither you nor Hal Saunders were available. Unfortunately, the story about the exfiltration of the six Americans broke on CBS that morning and I rushed over to brief Committee Chairman Edward Boland (D., MA) before Hodding Carter's noon press conference. In an attempt to soften the blow further, I arranged to have [redacted] accompany [redacted] to the 3:00 p.m. briefing, where we were prepared to brief the Congressmen in Executive session on this matter. Aspin refused to have the 23 January Finding read into the record unless we were prepared to "open the whole Iranian bag", kicked [redacted] out of the briefing, and proceeded with testimony on the other Findings.

(b)(3)

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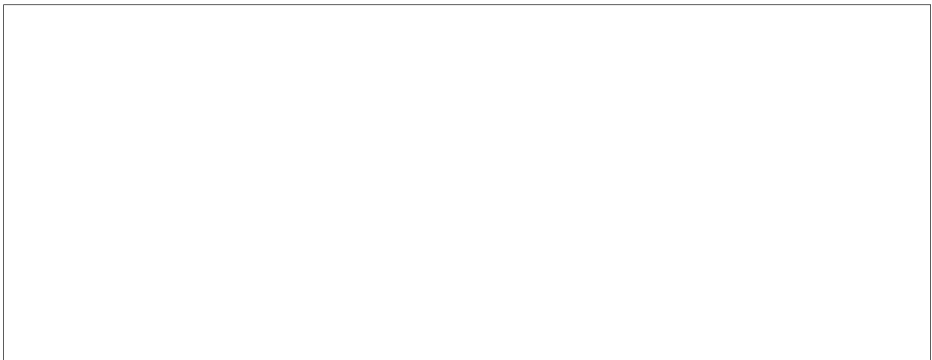
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4. Last Thursday, at the request of Chairman Boland, [redacted] provided Tom Latimer, HPSCI Staff Director, a briefing on the exfiltration. Earlier this week, Les Aspin called me for details on our normal notification process in compliance with Hughes-Ryan.

(b)(3)

5. The reactions of Les Aspin, Charlie Rose (D., NC) and Chairman Boland to the events of the 29th may overshadow the Subcommittee's major concerns about the earlier Finding, which can be condensed into the following:



(b)(1)  
(b)(3)

6. The questions relating to the 23 January Finding are likely to be tough and emotional. Aspin is convinced that the performance of the Executive failed to meet the "timely" notification requirement of Hughes-Ryan, and that our actions were therefore illegal. He will not attempt to define "timely" in terms of hours or days but will argue that the intent of Hughes-Ryan is certainly clear, i.e., there must be notification before the act. He probably will not quibble about preparatory acts--although his basic position encompasses these as well--since it is clear that in this case all acts were completed before notification.

7. Attached are a list of Subcommittee Members, a witness list and information sheets on Subcommittee Members.

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Frederick P. Hitz  
Legislative Counsel

Attachments:  
As stated

distribution:

- Original - Addressee w/atts
- 1 - ER w/o info sheets
- 1 - [redacted] w/atts
- 1 - OLC Subject w/o info sheets
- 1 - OLC Chrono w/o atts

(b)(3)

OLC:LCB: [redacted] (6 February 1980)

(b)(3)

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House Permanent Select Committee on Intelligence  
SUBCOMMITTEE ON OVERSIGHT  
7 February 1980

WITNESS LIST

Witness:

Frank C. Carlucci

Deputy Director of Central Intelligence

Accompanied by:

Frederick P. Hitz

Legislative Counsel, Office of the  
Director of Central Intelligence

[Redacted]

[Redacted]

of Operations

Directorate

(b)(7)(b)(3)  
(b)(3)

Briefing of  
House Permanent Select Committee on Intelligence  
Subcommittee on Oversight  
Thursday - 7 February 1980  
2:00 p.m.  
H-405, The Capitol  
(27 December 1979 & 23 January 1980 Findings)

Les Aspin (D., WI), Chairman

Charles Rose (D., NC)  
Romano L. Mazzoli (D., KY)

John M. Ashbrook (R., OH)  
C. W. Bill Young (R., FL)

Staff Members

Tom Latimer, Staff Director  
Leon Fuerth  
Mike O'Neil