

September 30, 1975

MEMORANDUM TO: JACK MARSH  
FROM: CHARLIE LEPPERT  
SUBJECT: HOUSE SELECT COMMITTEE ON  
INTELLIGENCE

At 5:30 p. m. on Tuesday, September 30 I was called to Mr. McClory's office by Paul Ahern. Mr. Ahern advised me of three requests which McClory wanted the Administration to assist him in preparing him for floor debate on the Resolution of Necessity, which the Pike Committee has proposed. The three items are as follows:

- 1) An inventory of the items, documents and materials requested in the three subpoenas issued by the Pike Committee on the Middle East, the Tet Offensive and Cyprus. The inventory should state the number of items or documents requested, the number of items supplied, the number of items deleted or sanitized by the category as stated in the discussion draft, which was supplied to the Committee.

The purpose of this inventory according to McClory, is to show that the discussion draft supplied to the Committee would have worked in practicality. This does not apply to all other Committee requests, only the items requested in the subpoena. Additionally, McClory wants to negate Pike's statement "that the materials supplied by the Administration have been defused, and, therefore, worthless".

- 2) McClory requests the Administration or the CIA to provide him with an assessment of the damage done by the Phillip Agee book, "CIA Diary - Inside the Company" to the intelligence community here in South America and around the world generally including the morale of agents and the ability to recruit informants. McClory states he is informed that Colby has made statements to the effect that the Agee book has had a damaging effect upon

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the intelligence community, and has created problems for the CIA. McClory also states that the CIA made an assessment of the Sam Adams article in Harper's Magazine, and requests that this kind of assessment be provided on the Agee book. If the assessment on the Agee book is classified, McClory requests that it be sanitized and provided to him.

3) The validity of the subpoenas issued by the Pike Committee.

Shortly after noon today I was called by Frank Polk of the House Judiciary Committee, in which he advised that the Administration look into the validity of the subpoenas issued by the Pike Committee. Polk states that he understands the subpoenas issued by the Pike Committee were not issued in accordance with the Rules of the House of Representatives. Polk states that the subpoenas issued by the Pike Committee were issued pursuant to a motion passed by the Committee authorizing the Chairman to issue the subpoenas in accordance with the motion. Polk advises that from his experience during events of the previous Administration, that the subpoenas issued on motion are not valid, because the operative document, the subpoena, must be before the Members of the Committee and voted on by the Members of the Committee after the opportunity has been presented to the Members to amend the subpoena.

This issue on the validity of the subpoenas arose again this afternoon in my meeting with Paul Ahern. Ahern informs me that Jerry Zeifman, former Counsel to the House Judiciary Committee, was to be employed by the Pike Committee as a Consultant, and that as of last Friday, there was a terminal argument between Zeifman and Pike. Zeifman no longer will be employed as a Consultant to the Committee. Ahern states that in telephone discussions with Zeifman, Zeifman informed Ahern of the possibility that the subpoenas issued by the Pike Committee were not valid, because they were not issued in accordance with the Rules of the House of Representatives. McClory has requested the Administration to assist in researching the validity of the subpoenas issued by the Pike Committee to determine if the subpoenas are defective and not issued in accordance with the House Rules. Two precedents cited by Ahern are:

- a) A 1960 case involving the House Judiciary Committee under the Chairmanship of Manny Cellar of New York, and

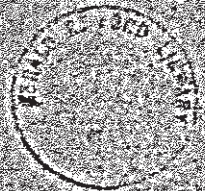




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b) The House Select Committee on Crime under the  
Chairmanship of Claude Pepper of Florida.

cc: MFriedersdorf ✓

(dictated by Charlie Leppert but not read/cb)





WH: Memo Charles Leppert (spec cont to prez, cony rltms, Houas) - Jhu O  
Marsh (counsellor to the prez)

Sept 30, 1975

re state of play on declassification dispute w/ Pike Committee

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