

September 30, 1975

MEMORANDUM TO: DON RUMSFELD
FROM: JACK MARSH

Attached is a copy of the letter presented by CIA to Pike. His reaction was generally favorable. I understand that he expects to present this to the Committee Wednesday for their consideration.

It is my understanding that the Committee staff expects this conditional proviso to be satisfactory for documents, depositions, interviews and witness testimony.

Pike and Staff would like to be able to say that the President's earlier order has been lifted. They expect to advise the Committee that henceforth all classified materials will carry the conditional paragraph and testimony also will be likewise received. This includes interviews and depositions. This suggestion by Committee staff was received in early evening, and I haven't had a chance to run by others in coordinating group, but expect to first thing Wednesday.

I would be grateful if you would bring this to the attention of the President. My thought is to consider a statement on his behalf that we wish to cooperate with the Committee, and, therefore, the earlier order has been changed, subject to the condition previously mentioned.

I would appreciate your showing Bob McClory a copy of the Colby-Pike letter, which was delivered to Pike at about 4:45 Tuesday.

Incidentally, we have not made any progress on the witness rule. The Committee has called off their hearings Wednesday, unless the State Department witness is permitted to testify without the Eagleburger restriction.

I will call in morning concerning above. I would not suggest any change in previous order unless Committee accepts the Colby letter.

RECEIVED
OCT 3 1975
CENTRAL FILES

OTIS (CONG)

A9

Ford Papers: White House Central Files: Agency series, b. 19, f. 1 "FCG-2 CIA, 7/1/75-9/30/75."
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WH: Memo John O. Marsh (counselor to prez) - Donald Rumsfeld (asst to
the president re state of play w/ HSC

(attached CIA ltr a separate item)

Sept 30, 1975

Source: front

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

30 September 1975

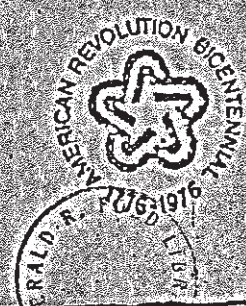
The Honorable Otis G. Pike, Chairman
Select Committee on Intelligence
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

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 Committee would reserve its right to submit the matter to judicial determination.

In some 12 instances in the enclosed classified material, excisions have been made of particularly sensitive matters. In 10 of these instances, they would pinpoint the identity of individuals who would be subject to exposure. In two cases, this would violate an understanding with a foreign government that its cooperation will not be disclosed. In each such case, Mr. Chairman, I am prepared to discuss with you, and the Committee if necessary, the specific basis for this exclusion due to the exceptionally high risk involved, and I am sure that we can come to a mutual understanding with respect to its continued secrecy or a form in which its substance could be made available to the Committee and still give it the high degree of protection it deserves. In case of disagreement, the

Orig. RHR's Office; Loan & Leppert Files, b. 14, f. 1; Infil; Hava Seldin Can; Handling & Release of Documents
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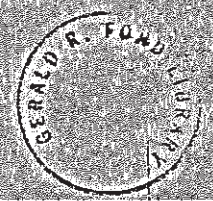
matter will be submitted to the President under the procedure outlined above, and the Committee would of course reserve its right to undertake judicial action.

Sincerely,

W. E. Colby
Director

Enclosures

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CIA: Ltr, DCI Wm E. Colby - Rep Otis G. Pike (HSC chairman)

Sept 30, 1975

Turning over last document from HSC's Vietnam Subpoena
(the PFVAB Tet warning postmortem)

Source: front



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