

file

September 25, 1975

MEMORANDUM TO: JACK MARSH

FROM: CHARLIE LEPPERT

SUBJECT: House Select Committee on Intelligence

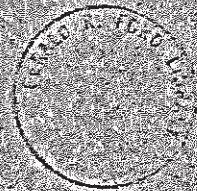
My discussion with Rep. Bob McClory following the Committee meeting this morning indicates that Chairman Otis Pike wants to take the issue in controversy all the way to the United States Supreme Court. Rep. McClory bases this opinion on the fact that Pike keeps telling McClory that he, Pike, wants a definitive decision on the question.

McClory states that Pike and his staff are relying on the first Ervin case before the Strickland decision which apparently holds that the Committee needs a resolution passed by the House in order to go to court. It appears then that Pike will proceed with the House Resolution and from there to the courts.

McClory further indicates that Pike and his staff are relying upon the June, 1975 Columbia Law Review article by a Raoul Berger, entitled "Executive Privilege Versus Congressional Inquiry". McClory in the hearings this morning relied upon and quoted the 1972 Harvard Law Review article on executive privilege, which was in support of the Administration's position. Also cited during this morning's hearing was a University of Michigan law review article on the 1959 GAO request for information from the Department of State in which the Department of State invoked the doctrine of executive privilege and interrogation of junior and middle level employees of the executive branch.

cc: PBuchen
MDuval

(dictated but not read/cb)



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WH: Memo Charles Leppert (spec asst to prez for congress, House) -

John O. Marsh (counsellor to prez)

Sept. 25, 1975

re HSC position on dispute over document declassification

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