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80-6307
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1 February 1980

MEMORANDUM FOR: Director of Central Intelligence

FROM: Legislative Counsel

SUBJECT: Breakfast with Congressman Les Aspin on 5 February 1980
at 9:00 on the Hill

1. I have invited Les Aspin to meet with you three to discuss his reservations about the procedure surrounding the Canadian Six Finding. This seemed indicated following an hour's conversation I had with Mr. Aspin on 30 January. We had received reports that Mr. Aspin considered the Canadian Six Finding to be outrageous, unlawful and totally without precedent. I met with him alone in an attempt to hear him out. I first showed him the language of the Finding and the Presidential memorandum in order to prove to him that it was at least a debatable question whether timely notification had been complied with. Although he did not agree with my interpretation, he recognized that it was not an open and shut case.

2. The thrust of Mr. Aspin's concerns is the following. He began with a specific comment on the Agency. He stated that over a period of time he has come to recognize that Richard Helms' homily that "we too are honorable men" has some justification. In that spirit, he stated that the relationship evolving between his Oversight Committee and the Agency on the covert action Findings was becoming constructive and fruitful from the Committee's point of view. He was, therefore, dismayed and disappointed at the manner in which the Canadian Six Finding had been handled because in the end it means that the Executive does not trust the Legislative Branch. In effect, he said the Executive Branch does not believe that in the Congress there are also honorable men. I replied quite the contrary. The Administration did not view this operation as an Executive Branch - Legislative Branch matter. It was a question of keeping the number of those witting to the absolute minimum necessary in order to safeguard the lives at stake. I stated that this was not just a question of U.S. lives but Canadian as well, and that the President did not wish to take any chances respecting their involvement. After an intense but amicable discussion in which Mr. Aspin stated he recognized that the

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trend was in favor of the Agency but because he felt betrayed by this obvious lack of trust, he would look for an occasion to ambush us. I stated that I regretted this fact and wished he would meet with the DCI, DDCI and the DDO to lay on the table the concerns he had expressed to me. I told him that under the best of circumstances, the President would probably only have consented to allow us to brief the Committee Chairmen on this matter. Again I stressed it was not a matter of trust, but a matter of operational security where human lives were at stake. I stated that this was a question where hard cases make bad law in the context of the "timely notification" provision and wished that it had not been necessary. With regard to his own behavior, I stated that many of us were concerned by his actions on some occasions in releasing from his office intelligence material which, though not classified, cut pretty close to the bone. We are concerned by the fact that it is he, the Chairman of the HPSCI Oversight Subcommittee, who made these releases. We concluded that a hearing of views on both sides was desirable.

3. Comment - We will not talk Mr. Aspin out of his opposition to the manner in which the Canadian Six Finding was handled nor out of his opposition to covert action operations generally. However, we cannot really afford for this issue to become a festering sore in our relations with him. He can counter with a tight band of liberals in the House and Senate and harass us unmercifully if he puts his mind to it. I have limited goals for a meeting between him and the DCI but believe it important to get our case upon the record.

4. I have since learned that the HPSCI met as a Committee on Hughes-Ryan on 31 January 1980. The meeting was to discuss restructuring the Amendment in the light of the recent spate of Findings and, more particularly, the Canadian Six Finding. The issue is not whether to change Hughes-Ryan, but in what way. According to Tom Latimer, the principal questions are how many Committees of the Congress should be notified and when. Mr. Latimer described the meeting as unemotional and exploratory of the issues involved. Although Mr. Aspin wants prior notification of covert action operations, Mr. Latimer confides that Chairman Boland realizes the President will never consent to this. There is clear majority on the HPSCI, according to Mr. Latimer, in favor of Hughes-Ryan change.

Frederick P. Hitz

cc: DDCI
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