

THE DEPUTY SECRETARY OF DEFENSE  
WASHINGTON, D. C. 20301

23 FEB 1976

Honorable Bella S. Abzug  
Chairman, Subcommittee on Government  
Information and Individual Rights  
House of Representatives  
Washington, D. C. 20515

Dear Mrs. Abzug:

This Department has given very careful consideration to the Subpoenas dated February 4, 1976 calling for the appearance this coming Wednesday, February 25, 1976, of Mr. Joseph J. Tomba, an employee of the National Security Agency, before the Government Information and Individual Rights Subcommittee of the House Government Operations Committee.

As you are aware, on February 17, 1976, the President formally asserted executive privilege in connection with this matter.

Based upon the nature and extent of the documents requested, testimony sought by the Committee from Mr. Tomba would most likely be of a nature as to be inconsistent with the President's assertion of executive privilege. Therefore, Mr. Tomba will not be available to testify until procedures can be agreed upon to ensure that the President's invocation of executive privilege is not effectively vitiated by his testimony.

We would be pleased, however, to discuss with you at your convenience whether there may be some matters which might appropriately be the subject of testimony and the carefully controlled conditions under which such testimony might be given.

We understand from representatives of the Department of Justice that a letter similar to this letter is being submitted by that Department to you as to the Subpoenas served on certain employees of that Department.

Sincerely,

*H. P. Clement*

