

So, this will advise the members as to where this particular matter stands. The gentleman from Tennessee has also been advised.

The other item pending before this subcommittee is the matter of the latest development in the so-called Stealth hearing.

During the past several weeks this subcommittee has been investigating the source of leaks of highly classified material. We began our investigation by seeking to determine the person or persons responsible for letting out the information that we had a military aircraft known as the Stealth.

At this point, we have received a substantial bit of information, particularly information which was received on the 16th of September from Admiral Zumwalt, who told us in sworn testimony that two individuals in the White House, in whom he said he had complete confidence, had advised him on two different occasions that a Mr. David Aaron of the White House staff and the National Security Council staff was, in fact, responsible for the leak of the Stealth information to the Washington Post.

The chairman of the subcommittee, therefore, requested that Mr. Aaron appear this morning for this hearing so we could give him an opportunity to respond to the statement by Admiral Zumwalt in sworn testimony.

Mr. Aaron is not here this morning because, at about 8:30 last evening a letter was delivered to my office from Mr. Lloyd Cutler, Counsel to the President, who said in effect that the President had requested that Mr. Aaron not appear and not be questioned by us.

Previous to that time, the Chair had been in receipt of a letter from Mr. Aaron in which he stated he had not released the information that Admiral Zumwalt testified he had heard Mr. Aaron had released, and pointed out that Mr. George Wilson of the Post, who wrote the story, which Admiral Zumwalt had said had been leaked by Mr. Aaron, had also said that Mr. Aaron had not made that release.

I pointed out, however, to Mr. Aaron that we still wanted him to appear before the subcommittee, and we wanted him to testify under oath, where he could be cross-examined by the subcommittee.

I also pointed out in a letter, which I think every member of the subcommittee has that, although in the past members of the National Security Council and the White House staff have not appeared before committees of Congress when executive privilege was invoked, Dr. Brzezinski, the head of the National Security Council, had appeared before a Senate committee when an investigation not related to the work of the Council was under way; and it appeared to me that this was a similar situation, where Mr. Aaron would be free to appear before the subcommittee because the work under investigation did not concern the activities of the National Security Council, at least the legitimate activities of the National Security Council itself.

Let me read to the subcommittee the letter which we received from the White House, addressed to me as chairman.

Dear Mr. Chairman: In your letter of September 18, you asked Mr. David Aaron, Deputy Assistant to the President for National Security Affairs, to testify before your subcommittee on October 1. You asked that he respond to the testimony of Admiral Elmo Zumwalt that, according to sources the Admiral would not disclose,

Mr. Aaron was 'identified as the individual who leaked the Stealth information to the Washington Post for the story that appeared August 14th'.

On September 25, Mr. Aaron replied and stated categorically that he had not leaked Stealth information to the Washington Post or any other media entity. He pointed out that Mr. George Wilson, the author of the August 14 Washington Post story, had described Admiral Zumwalt's testimony about Mr. Aaron as incorrect.

In our conversation yesterday you indicated to me that the subcommittee still desired to have Mr. Aaron testify because it was necessary that his refutation of Admiral Zumwalt's charges be under oath.

Mr. Aaron has no objection to making his refutation under oath, and his sworn affidavit to that effect is attached. In addition, if questions remain, Mr. Aaron is willing to give an interview or deposition under oath to the subcommittee's counsel, a normal procedure of investigative committees pursuing unsubstantiated leads.

Mr. Aaron also has no personal objection to testifying publicly before your subcommittee. However, the Congress has always respected the privilege of the President to decline requests that the President himself or his immediate White House advisers appear to testify before Congressional committees.

This privilege has been waived only in the most unusual circumstances, such as the recent hearings of the Subcommittee of the Committee on the Judiciary, United States Senate, To Investigate the Activities of Individuals Representing the Interests of Foreign Governments.

Mr. STRATTON. If any member is in doubt as to what this is, this is popularly known as the Billy Carter investigation. I am adding that it is not in the letter.

In this one instance, because the President's own conduct relating to a member of his own family was at issue, the President waived the privilege as to any matter relevant to the investigation.

The investigation of Mr. Aaron stands in an entirely different category. The charge against him is anonymous. It is the most suspect kind of hearsay, reported by a witness who is unwilling to give any source for his 'testimony' that Mr. Aaron was the source of a leak to a Washington Post reporter.

The reporter himself has labeled this accusation as incorrect. If any unsubstantiated charge of personal misconduct against a member of the White House Staff is sufficient to require that the accused staff member give refuting testimony to a committee of the Congress, the Presidential privilege that Congress has hitherto respected will become a dead letter.

With respect, I must therefore advise you that the President has directed Mr. Aaron not to appear before your subcommittee in a public hearing at this time. When and if your subcommittee has some credible evidence before it to support the charge against Mr. Aaron, the President will review the situation as it may then exist.

Meanwhile, Mr. Aaron is submitting the attached affidavit under oath and is prepared to have his deposition taken under oath at your convenience.

Mr. STRATTON. We also have the attached affidavit.

David Aaron, being duly sworn, deposes and says:

1. My name is David Aaron. I am Deputy Assistant to the President for Security Affairs.

2. Admiral Zumwalt testified to the Subcommittee on Investigations of the Committee on Armed Services of the House of Representatives on September 16, 1980, that he had been told that I leaked to the Washington Post certain information upon which Mr. George C. Wilson based an article dealing with the "Stealth" project in the Post of August 14, 1980.

3. I was not the source of any of the information contained in Mr. Wilson's story of August 14 or of any other story about "Stealth". It is my understanding that Mr. Wilson has confirmed publicly that Admiral Zumwalt is incorrect in his assertion that I was his source.

4. I am unaware of the identity of any other person on the White House staff, including the National Security Council, who discussed the "Stealth" project with any reporter.

DAVID AARON.

Mr. STRATTON Now, this is the letter from Mr. Cutler.

Let me just say in response to that letter that, in my judgment, it is not satisfactory, either with respect to Mr. Aaron's appearance