

Pike Panel Presses Citations of Kissinger

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By Mary Russell
Washington Post Staff Writer

The House intelligence committee Voted yesterday to go ahead with three contempt citations against Secretary of State Henry A. Kissinger, despite further promises of cooperation by the White House on two of them and a protest from President Ford that the issues involve "grave matters affecting our conduct of foreign policy."

Committee chairman Otis G. Pike (D-N.Y.) said after the session if Mr. Ford's advisers did deliver, as they promised yesterday, documents dealing with alleged Soviet violations of the SALT I arms agreement and a compromise could be worked out on access to documents dealing with covert intelligence operations authorized since 1965 by the National Security Council's Forty Committee, "the matter would be over" on the two subpoenas that cover those areas.

But on the third citation, issued over Kissinger's refusal to yield documents dealing with State Department requests for covert operations since 1961, the President invoked executive privilege and offered no compromise.

The three contempt citations, approved by the committee last week, must be approved by the full House,

then would be forwarded to the U.S. attorney here for prosecution. Contempt of Congress carries a maximum penalty of a year in prison and a \$1,000 fine.

In a letter to Chairman Pike, President Ford said he was claiming executive privilege on the State Department documents because, "I made a finding that, in addition to disclosing highly sensitive military and foreign affairs assessments and evaluations, the documents revealed to an unacceptable degree the consultation process involving advice and recommendations to Presidents Kennedy, Johnson and Nixon."

Mr. Ford said Kissinger was "acting on my instructions" in refusing to comply with the subpoena.

Before the 10-to-3 vote to draft a report on that contempt citation, Rep. James P. Johnson (R-Colo.) said the President had raised executive privilege to "a new level" by extending it back to cover past Presidents. He said that amounted to "censorship" and was "totally unacceptable."

Assistant Attorney General Antonin Scalia, appearing on behalf of the administration, said all documents on intelligence estimates of Soviet compliance with the SALT agreement would be turned over to the committee.

On the third citation, which involved the subpoena for all approvals by the National Security Council's Forty Committee of covert operations since 1965, Scalia said Pike committee members and appropriate staff would be permitted to look at the documents, but if it insisted on taking custody of them the White House would consider invoking executive privilege.

Scalia said the administration considered it a security risk to deliver the documents to the committee. When Rep. Ronald V. Dellums (D-Calif.) said the insinuation was insulting to the committee, Scalia said, "It's not you we distrust, we distrust your safes."

In his letter, the President also said those two citations, which were addressed to Kissinger as assistant to the President for national security affairs, were improperly addressed, since Kissinger after Nov. 3 no longer held that post. "Secretary Kissinger had no responsibility for responding to these subpoenas nor for supervising the response to them," the President said.

But Scalia admitted that Kissinger's successor in the post, Air Force Lt. Gen. Brent Scowcroft, had not yet been sworn in. He brushed off questions about where the citations should be addressed.

Pike said the citations should be addressed to "Kissinger or nobody" and added, "I would be inclined to accept the President's statement if he presented any alternative."

He urged the committee to go ahead with the two citations to ensure that the administration provides the documents. "I don't think we're acting to do anything but encourage substantial compliance," he said, before the committee agreed by an 8-to-5 vote on each of the other two citations.