

BACKING ALLEGED FOR 40 SPY PLOTS

Aide Asserts '40 Committee'
Sanctioned Them by Phone

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Special to The New York Times

WASHINGTON, Oct. 30—

Some 40 clandestine operations between April, 1972, and December, 1974, were approved by the secret four-man "40 Committee," a former State Department official told the House Select Committee on Intelligence today.

James Gardner, who had been the State Department's liaison officer on covert matters, said the committee had approved the operations without actually holding a meeting. He said the four members, including the chairman, Secretary of State Kissinger, arrived at a decision by telephoning one another.

Mr. Gardner's testimony was another indication that the 40 Committee process provides little direct supervision of covert activities. His statement underscored the controlling role of Mr. Kissinger, who is also President Ford's assistant for national security affairs.

Other members of the committee now are William E. Colby, the Director of Central Intelligence; William Clement, Deputy Director of Defense, and Gen. George S. Brown, Chairman of the Joint Chiefs of Staff.

The committee is empowered to oversee all intelligence activities conducted by United States Government agencies.

Mr. Kissinger is expected to appear before the committee tomorrow on this and other matters. Meanwhile, Representative Otis G. Pike, the group's chairman, entered in The Congressional Record a letter to The New York Times in which he charged that Mr. Kissinger had kept documents and witnesses from the committee.

The letter, addressed to John B. Oakes, the editor of the editoria page of The Times, was entered in The Record, Mr. Pike announced, because The Times had not yet published it.

[Mr. Oakes said: "Mr. Pike's letter to The Times, which he shortened only a few days ago at our request, was scheduled to be published Sunday."]

Answer to Editorial

The letter, Mr. Pike said, was in answer to an editorial in the Oct. 19 issue of The Times in which the committee's efforts to obtain documents from the State Department were likened to "neo-McCarthyism."

In general, Mr. Pike's letter suggested that the executive branch was loath to make public embarrassing or illegal activities and that it was up to Congress to dig them out.

But at one point he made a specific allegation: "Mr. Kissinger has kept not one but many documents from our committee. He has kept many witnesses willing to testify freely from testifying freely. Mr. Kissinger has many secrets. Some of them are achievements, some are embarrassments, some are horrors . . ."

Earlier today an amalgamation of labor and public interest groups urged President Ford to warn Americans who had come under improper Government surveillance. The groups included the United Auto Workers, Common Cause, Americans for Democratic Action, the American Civil Liberties Union, the Center for National Security Studies, the Project on National Security and Civil Liberties, and the Committee for Public Justice.

Violations Cited

"We urge that these individuals and organization be informed of the right to request access to any files which may exist . . . and that they be advised that the possible violation of their constitutional rights might entitle them to civil remedies in the Federal Court system," the groups said in a letter.