

# CONTEMPT ORDER BACKED IN HOUSE

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Pike Says the Subpoenas  
Were Properly Served

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WASHINGTON, Nov. 17 —

The chairman of the House Select Committee on Intelligence said today that it would press ahead with a three-count contempt citation of Secretary of State Henry A. Kissinger despite a State Department assertion that the panel had erred.

In an interview, Otis G. Pike, the chairman, dismissed as faulty the contention put forth by the State Department that Mr. Kissinger had not held the ultimate responsibility for complying with the three committee subpoenas that formed the basis for the contempt action.

Mr. Pike said he expected that a report outlining the degree of noncompliance with the subpoenas would be finished this week. He said he did not know when it would be referred to the full House of Representatives for action.

William G. Hyland, who heads the State Department's bureau of research and intelligence, said Saturday that two of the three subpoenas had been addressed to the President's adviser for national security affairs, a capacity in which Mr. Kissinger had not acted since Nov. 3.

### Jobholder in Question

That was the day when President Ford announced a number of Cabinet changes, noting that "Secretary Kissinger will relinquish his post as assistant to the President."

The two subpoenas were voted by the House panel three days later. They called for the production of documents concerning the approval of covert intelligence operations by a subgroup of the National Security Council, and for materials describing the Soviet Union's compliance with the 1972 agreement limiting strategic

Mr. Pike said that his committee's staff had produced research indicating that the post would technically have to remain occupied by someone until the successor, Lieut. Gen. Brent Scowcroft is sworn in.

"Technically, that somebody is Henry Kissinger," Mr. Pike said.

Mr. Hyland also maintained that Mr. Kissinger's responsibility for complying with the third subpoena, addressed to him in his capacity as Secretary of State, had been preempted by an invocation of executive privilege by the President.

Mr. Pike said the committee's only notification that such a privilege had been asserted came on Friday in a letter from George H. Aldrich, the State Department's acting legal adviser. Mr. Pike said he did not believe that such notification was formal unless it came from the President himself.