

# A Vote for Kissinger Contempt

Washington

The House intelligence committee voted yesterday to go ahead with three contempt citations against Secretary of State Henry Kissinger.

It acted 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 Pike (Dem-N.Y.) said after the session that if Mr. Ford's advisers did deliver, as they promised yesterday documents dealing with alleged Soviet violations of the arms agreement with the United States, and if a compromise could be worked out on access to documents dealing with covert intelligence operations authorized since 1965 by the National Security Council's 40 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 they 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 \$1000 fine.

In a letter to Pike, the President 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 President 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, Representative James Johnson (Rep-Colo.) said the President had raised executive privilege to "a new level" by extending it to cover past presidents. He said that amounts to "censorship" and is "totally unacceptable."

Assistant Attorney General Antonin Scalia, appearing on behalf of the administration, said all documents on intelligence estimates of Soviet compliance with the arms 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 40 Committee of covert operations since 1965, Scalia said committee members and appropriate staff members would be permitted to look at the documents, but if the committee insisted on taking custody of them the White House would consider invoking executive privilege.

He said the administration considered it a security risk to deliver the documents to the committee. When Representative Ronald Dellums (Dem-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, because Kissinger after November 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 Lieutenant General Brent Scowcroft, had not yet been sworn in. He brushed off questions about where the citations should be addressed.

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