

The Kissinger Role

By JAMES RESTON

WASHINGTON, March 2—Henry Kissinger is in the center of a bitter controversy here for three reasons: (1) despite White House denials, he is undoubtedly the principal adviser to President Nixon on foreign policy; (2) that policy, particularly in Indochina, is opposed by influential members of the House and particularly the Senate, who feel they have a constitutional duty to examine the logic of the President's decisions; but (3) they cannot question Mr. Kissinger about Laos, the Middle East or anything else.

They can, of course, summon Secretary of State Rogers to Capitol Hill and question him, but it is widely believed here, as Senator Symington asserted on the floor of the Senate today, that Mr. Kissinger has been given many of the advisory powers normally reserved for the Secretary of State, and that he exercises them in the "privileged sanctuary" of the White House, without Congressional review.

It should be made clear what is not at issue here. Even Chairman Fulbright of the Foreign Relations Committee, Senator Symington, and the other critics of the Indochina policy are not saying that Mr. Kissinger is responsible for that policy or that he is playing some devious Rasputin role.

The issue is simply that he defines the questions to be answered by the departments, formulates the options and the arguments for and against, consults privately with the President at the last stage before decision—and that he is not accountable, as the Secretary of State is, to the Congress, though his influence is undoubtedly greater than Mr. Rogers's.

Several events have envenomed this conflict between the right of the Senate to "advise and consent" on critical foreign policy questions, and the right of the President to take executive action, protected by "executive privilege."

Mr. Kissinger, recognizing the dilemma, agreed to meet privately with Chairman Fulbright and members of his committee at Senator Fulbright's house on Belmont Road. He did so twice, with the approval of the President, but the last time fell just before the U.S. invasion of Cambodia, and Mr. Kissinger said nothing about it. He felt he was not privileged to do so, but Chairman Fulbright felt that the committee was misled by his silence, and that this sort of informal meeting merely gave the impression of consultation but not the substance.

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Several weeks ago, a member of Mr. Kissinger's National Security Council staff, John Lehman Jr., was reported in the press to have attacked Senator Fulbright in a private meeting as "mischievous" and not to be trusted with secret information placed before his committee. Mr. Kissinger has since criticized Lehman for "poor judgment," but when Fulbright invited Lehman to explain his charges, the White House again invoked "executive privilege" and instructed both Lehman and Kissinger not to appear.

Last week, Mr. Kissinger added to the controversy over his role by going on a C.B.S. television program with Marvin and Bernie Kalb to discuss the President's State of the World message, which was largely written by Kissinger and his staff. Always before, he had refused to talk publicly about the substance of foreign policy, but



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this time he thought he could merely talk about how the report was written.

Was he trapped into answering questions by reporters after refusing to answer questions by Senators? "No," he says, "I merely misjudged the situation, and I'll certainly never do it again."

There is, of course, nothing in the Constitution that says the Secretary of State has to be the principal adviser to the President on foreign policy. Roosevelt often used Harry Hopkins rather than Secretary Hull in this role. Kennedy drafted the Harvard faculty. Johnson often called in Justice Fortas, Clark Clifford and Dean Acheson at

the last minute before making his decisions.

What is new now is that President Nixon has institutionalized the advisory function under Kissinger in the White House, given it a much larger staff (now 42 professionals and 68 clerical and other aides) and larger responsibilities, and put these larger powers beyond Congressional review.

This does not mean that the departments are cut out of the decision-making process. In fact, the more formal Nixon system is designed to involve them closer to the point of decision. Kissinger chairs first a senior staff committee composed of the Under Secretary of State, the Deputy Secretary of Defense, the head of the C.I.A., the chairman of the Joint Chiefs of Staff, and one staff member.

The job of this committee is not to make recommendations, but to define the choices open to the President. In fact, there is even one member of Kissinger's staff whose job it is to read all relevant public comments on the subject and suggest from these any additional course of action that may have been proposed.

This objective case study of the problem is then placed before the National Security Council composed of the President, the Vice President, and the principal security Cabinet members. Normally, Kissinger, as secretary of the council, defines the options in these meetings and the President asks each Cabinet member for his recommendations, but seldom Kissinger at this point. It is only later, after the President has studied the recommendations, that he usually calls in Kissinger before the final decision—but this, of course, is the critical moment and a major source of Kissinger's power.

In many ways it is the most orderly system of decision making in Washington since the last World War, but this does not remove the central issue of Congressional review with Kissinger or with John D. Ehrlichman, who exercises the same kind of unreviewed power on domestic policy.

The President, who is normally an advocate of decentralizing power, has actually centralized more power under the White House umbrella of executive privilege than any other Chief Executive in this century. And the diplomats are almost as puzzled by it as the Senators, for they want to get close to the power center and to Kissinger too, and actually they manage to do so more often than the Congress of the United States.