

KISSINGER INSISTS PRESIDENTS KNEW OF COVERT ACTIONS

NOV 1 1975

He Challenges Testimony Given by Former Aide at House Inquiry

NYTimes

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Special to The New York Times

WASHINGTON, Oct. 31—Secretary of State Kissinger told the House Select Committee on Intelligence today that during his more than six years as a national-security adviser to two Presidents, no covert intelligence operations had been undertaken by this country without Presidential approval.

Mr. Kissinger's assertion followed testimony before the same committee yesterday by James Gardner, a former State Department aide, that between 1972 and 1974 some 40 covert operations were approved by a four-man subcommittee of the National Security Council whose members never held a formal meeting.

Mr. Kissinger said today in response to a question that if Mr. Gardner had meant to imply that any of those operations had not been passed on personally by President Richard M. Nixon, Mr. Gardner was "mistaken."

Information Is Questioned

"I don't see how Mr. Gardner could be in a position to know" whether or not such approval had been given, Mr. Kissinger said to the 13-member committee before the capacity audience at today's hearing, "since it concerns the internal workings of the White House."

Mr. Gardner, who served in a liaison role with other agencies on covert intelligence matters, testified that the members of the Security Council's 40 Committee, which is responsible for overseeing covert intelligence actions, had made their decisions in telephone conversations.

The House committee is examining a number of clandestine intelligence activities that took place during the Nixon Administration. Its interest in the role played by the former President in approving such operations may be enhanced by Mr. Kissinger's insistence today that he had never made such decisions in a President's name.

Cyprus at the Core

Mr. Kissinger's appearance before the House committee today was the result of its unresolved dispute with him over access to State Department policy information. He declined repeatedly, in his public testimony, to discuss covert intelligence operations.

The dispute centers on Mr. Kissinger's refusal to supply the committee with a memoran-

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dum in which a middle-level diplomat criticized the State Department's handling of its responses to aspects of the invasion of Cyprus by Turkey last year.

The memorandum had been sent by the officer, Thomas D. Boyatt, the head of the State Department's Cyprus desk, through the department's "dissent channel." Mr. Kissinger described that channel today as a mechanism "established to encourage officers within the department to give me and my successors the hard, blunt and critical comments we seek."

That, he said, was the source of his concern, not any fear that the memorandum would embarrass the President, the State Department or the Secretary of State. He offered to "amalgamate" the contents of the Boyatt memorandum into a summary that would be presented to the committee without any indication of what elements had originated with Mr. Boyatt.

A Summary Offered

In addition to his roles as Secretary of State and as President Ford's adviser on national security, Mr. Kissinger is one of four high Government officials who sits on the 40 Committee—so named for the number of the Presidential directive that established it.

The committee is in the midst of an examination of what its chairman, representative Otis G. Pike, Democrat of Suffolk, has termed the "risks" that attend such covert activities and the degree of control the Administration exercise over them.

Following the conclusion of Mr. Kissinger's public testimony the panel voted to close its doors and to begin with him a

process by which details of some covert operations could be made public.

Representative James P. Johnson, Republican of Colorado, made the motion to continue Mr. Kissinger's appearance in executive session, and said that some of the undercover intelligence made known to the committee thus far amounted, in his opinion, to "possible violations of the laws of the United States."

That opinion was echoed earlier by Representative Ronald V. Dellums, Democrat of California, who read to Mr. Kissinger a litany of what he termed abuses by the intelligence community and by Mr. Kissinger himself. Mr. Dellums charged that the Secretary had failed to share with other agencies "the essence of your conversations with international leaders."

Mr. Kissinger appeared to bristle slightly at Mr. Dellums's questions. "I regret that you hold those views," the Secretary said, "especially on the basis of such insufficient evidence."

The Pike committee, in its public deliberations, was still apparently far from an agreement with Mr. Kissinger over the dispute that has stalled the portion of its inquiry that is concerned with the effectiveness of intelligence in forecasting international crises.

Kissinger Is adamant

In his opening statement Mr. Kissinger repeated his determination, set forth in a letter to the committee earlier this month, not to permit junior and middle-level officials of the State Department to testify before the panel about any recommendations they may have made to higher-ups for American responses in crisis situations.

However, he said, such officials could testify freely about

all facts including those in raw intelligence reports that they had possessed in such instances; higher-level policymakers, he said, would be allowed to discuss in detail recommendations handed them by subordinates.

In addition, Mr. Kissinger said, the committee could have summaries of all recommendations for policies to be adopted in any given instance but those summaries would give no indication which State department officers were the authors of particular recommendations.

Mr. Pike replied that it was crucial to be able to question individuals about what lay behind policies they had recommended. Anonymous summaries, he said, were inadequate, and statements about the genesis of policies by those who had made them tended to be "bland" and sometimes "dissembling."

Mr. Kissinger insisted that

he, nevertheless, felt bound to preserve the confidentiality of communications between analysts of intelligence and policymakers who use such analyses.

If lower-level officers decided for themselves whether to testify before the Pike committee, Mr. Kissinger said, he feared a "subtle pressure that will make it very difficult to refuse," and, consequently, an increased "timidity" in recommendations passed on to higher-ups. He said he had been assured by the State Department's legal counsel that "the legal right exists" to support his decision.

Because the Administration hopes to reach a compromise with the Pike committee, Mr. Kissinger added, President Ford had not invoked executive privilege to protect the information sought by the panel, "nor am I asserting a secretarial privilege."