

NYTimes
**Senators Will Hear Nixon
At Inquiry on C.I.A. Plots**

NOV 26 1975

By NICHOLAS M. HORROCK

Special to The New York Times

WASHINGTON, Nov. 25.—Former President Richard M. Nixon has agreed to testify in the next 60 days before the Senate Select Committee on Intelligence but will reserve

his right to refuse to answer certain questions, either by invoking the Fifth Amendment against self-incrimination or the principle of executive privilege, according to sources familiar with the investigation.

This will be the first time Mr. Nixon has gone before a Congressional committee since he became President in 1969. Throughout the Watergate case and since leaving office he has fended off attempts to call him before several House and Senate bodies.

President Ford's pardon of Mr. Nixon protects him against criminal prosecution for any actions while President. Mr. Nixon, by his own account, was while Vice President the liaison officer between the Eisenhower Administration and the Central Intelligence Agency during the planning of the Bay of Pigs invasion of Cuba. The pardon would not cover that period.

The testimony will be taken in California in either late December or early January, according to the sources. There will be no broadcast coverage, but it may be open to news reporters. If the testimony is taken in a closed session, there will be no bars to using it in a public report, according to these sources.

The Senate committee wants to ask Mr. Nixon about covert operations while he was in office, including United States efforts to unseat President Salvador Allende-Gossens of Chile.

It began a series of sensitive negotiations with Mr. Nixon's lawyers last summer that came to fruition earlier this month. The agreement was worked out

Continued on Page 10, Column 5

Continued From Page 1, Col. 3

in written exchanges between F.A.O. Schwarz 3d, the committee counsel, and Herbert J. Miller, Mr. Nixon's lawyer.

The entire scope of the committee's questioning is not known. But the following areas are expected to be covered:

¶Did President Nixon order an assassination or covert operation that led to the eath of President Allende in 1973? Did he, through secret channels, promote the coup that replaced the Chilean President that fall?

¶What was Mr. Nixon's role in Central Intelligence Agency support for Kurdish rebels in Iraq? According to evidence obtained by the House Select Committee on Intelligence, Mr. Nixon and Secretary of State Henry A. Kissinger overrode objections of the C.I.A. and ordered the agency to secretly supply Kurdish rebels with Russian-made small arms. The move was at the request of the Shah of Iran, according to responsible reports.

No Limit on Questions

What was Mr. Nixon's role in ordering his aide Tom Charles Huston to prepare a new plan for internal security in the United States that would include burglaries, mail covers and extended electronic surveillance. Mr. Nixon presumably will also be asked whether he secretly ordered the intelligence agencies to continue this operation after J. Edgar Hoover, Director of the Federal Bureau of Investigation, refused to go along with the program. Watergate testimony indicated that the Huston plan was canceled, but the Senate intelligence committee has evidence that its practices were continued anyway.

Sources familiar with the investigation said the committee had not agreed to limit its questions to any specific area or barred any areas of ques-

NOV 26 1975

tions. They said Mr. Nixon's lawyers stated that their client believes his right to invoke executive privilege continued after he left the Presidency.

"This is debatable," one source said. The matter would be worked out on a "case by case basis" if Mr. Nixon chose to refuse to answer a question on the ground of executive privilege, he said.

Mr. Nixon, as all citizens, has a right to refuse to answer questions on the ground that the answer may tend to incrim-

inate him. This is guaranteed by the Fifth Amendment of the Constitution. In refusing to "waive" his rights before the committee, Mr. Nixon is following fairly routine procedure in sworn testimony forums, and there is no implication of unwillingness to cooperate, these sources said.

Mr. Nixon, several sources familiar with his interests said, has been reluctant to testify before any Congressional committee for fear of opening the legal floodgates that would ex-

pose him to the whim of every committee and subcommittee on Capitol Hill. Several committees have sought access to his Presidential papers and his testimony.

Sources said that Mr. Nixon had objected to coming to Washington on the ground that it would further injure his health. He was recently photographed playing golf with Frank E. Fitzsimmons, president of the International Brotherhood of Teamsters, and appeared to be in good health.