FBI Reports Gone

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Newsmen Tapped, Ruckelshaus Says

Washington

A special inquiry by acting FBI director William D. Ruckelhaus has turned up evidence that the FBI tapped newsmen's phones—and that the records of these and other "national security" taps have disappeared the Los Angeles Times has learned.

Part of Ruckelshaus' findings were made public yesterday in Los Angeles where U.S. District Judge W. Matt Bryne disclosed that the bureau had overheard Daniel Ellsberg two years before release of the Pentagon Papers in 1971.

In addition, an FBI source told the Times, Ruckelshaus has found that the phones of at least two newsmen were tapped as a result of efforts launched in 1969 to curb the leaking of documents deemed important to national defense.

This surveillance was conducted in accordance with standards for national security wiretapping established by the Nixon administration, the source said. Under these rules, national security taps did not require court orders, but merely the authorization of the attorney general, who during this period was John N. Mitchell.

RECORDS

Though records of this surveillance were kept, these records apparently vanished sometime during the summer of 1971, it was learned.

In 1969, soon after President Nixon took office, Mitchell asserted that the government had authority to tap so-called domestic subversive suspects as well as foreign spies, without court orders in the name of national scurity.

This claim brought bitter protests from civil libertarians. Last year the Supreme Court sharply limited the government's power to tap U.S. citizens without a court order.

BRIEFINGS

Ruckelshaus' inquiry was promoted by press reports of tapping, and by information he received from the FBI staff at briefings after he took command of the bure au on April 27, following the resignation of L. Patrick Gray III.

His information about the tapping has come mainly from interviews with present and former FBI officials. The disclosure of the overhearing of Ellsberg was only one aspect of a broad investigation.

So far Ruckelshaus has been unable to determine why the records of the taps are missing, and who took them. But, said one source: "We're beginning to get some ideas."

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