

The Dead-Key Scrolls

NY 1/16/76

By William Safire

WASHINGTON, Jan. 14—A "dead key," in Washington parlance, is a receiving extension built into a telephone to permit a secretary to listen in to her boss's conversations without the caller suspecting that everything said is being overheard by a third party.

As soon as they entered the White House, and a full two years before the secret Nixon taping system was installed, Henry Kissinger and his deputy, Al Haig, made certain that relays of secretaries on "dead keys" made verbatim notes of all that was said to them over the telephone. The callers—reporters, colleagues, Presidents—were never told that their words were always being taken down.

But within the White House it was no big secret; aides could see the secretaries outside Henry's door, extensions to their ears, taking shorthand silently.

In 1971, my then-colleague and friend, Henry, showed me the transcript of a conversation with a reporter for *The Christian Science Monitor*, in which the national security adviser chewed him out for a less-than-adulatory article. Since he was planning to send the transcript to President Nixon, the rough draft had "corrections" marked by Mr. Kissinger, adding to the fierce loyalty of his own remarks.

Even with the self-serving emendations, these transcripts are an invaluable, irreplaceable part of the record of the Nixon Presidency, pre-dating as well as paralleling the White House tapes. What has happened to them? The other day, we began to find out.

In a sworn answer to a question submitted to him by Morton Halperin, who is suing Mr. Kissinger for his part in ordering illegal F.B.I. wiretapping, the Secretary of State writes: "Business telephone conversations from my White House office during this period [Jan. 21, 1969 to Feb. 12, 1971] were usually monitored by my personal secretaries and records prepared, in accordance with routine Government practice, in order to facilitate implementation and follow-up of business transacted."

And where are all his records kept? Appointment books, correspondence, schedules of his White House years, says Mr. Kissinger, have remained where they belong: "All such records, with the exception of the records of my telephone calls, are in the White House. They are in the custody of the N.S.C. [National Security Council] staff. The telephone records are in the State Department, in custody of Mr. Lawrence S. Eagleburger."

Hold on a minute: When Mr. Kis-

singer left the White House, he left everything behind—"with the exception of the records of my telephone calls." Those are not mere logs of calls, of which he took a copy—those are substantive, verbatim transcripts of conversations, of which he took the only copy. Some questions arise:

1. *When were the dead-key scrolls removed from the White House N.S.C. files?* According to Mr. Eagleburger, within a month after Mr. Kissinger's appointment as Secretary of State in 1973. (But Mr. Kissinger continued as National Security Adviser at that time, and left behind his other N.S.C. files—presumably he wanted to get these supersensitive files out of the White House, fast.

2. *Under what authority did he take them?* Mr. Eagleburger claims he needed no authority—that these four years of records were considered "working papers that can accompany him wherever he goes, as long as he's in Government." And afterward? I presume he would leave copies behind, but that's a legal question."

3. *Why didn't he leave the originals where they belonged at the N.S.C. and only take copies, if all he wanted was access to "working papers"?* No answer to that. Did Al Haig walk off with his telephone transcripts, too? Gen. Brent Scowcroft, the present National Security Adviser, will not return calls on these matters; he has probably offered no objection to having the N.S.C. files denuded of all these transcripts.

4. *Who owns these transcripts?* The Justice Department last week won a decision in the Court of Appeals in which Congressional seizure of the papers of the Nixon Presidency was held constitutional. If N.S.C. transcripts are Presidential papers—as they surely are—then, as of now, they belong to the public and not to Henry Kissinger.

5. *Why have these transcripts never been subpoenaed?* Ah, that's the big one. The Special Prosecutor's investigation of the seventeen wiretaps was a joke; the Senate Foreign Relations Committee look-see was a Kissinger whitewash from start to finish; the Church cover-up committee is afraid of what a subpoena might turn up, and the woebegone Pike committee knows that the House won't back up any subpoena.

One ray of light: By removing the dead-key scrolls from the White House, leaving no copies behind, and by dint of the tacit White House approval of the removal to a Government department, Mr. Kissinger has made his years of conversations subject to the Freedom of Information Act. Citizens may rush in where solons fear to tread.