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## A Times Editor Sues Nixon and U.S. Aides Over 1969 Wiretap

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WASHINGTON, May 10—Hedrick Smith, deputy national editor of The New York Times, filed suit today against former President Richard M. Nixon and several other past and present Government officials allegedly responsible for placing a wiretap on Mr. Smith's home telephone in 1969.

The suit asks for an injunction against further wiretaps on his telephone and for a declaration by the United States District Court that the wiretap was unconstitutional and a violation of the United States Code. The suit also asks for damages, which, Mr. Smith wrote in a statement, would be used to cover the expenses of the suit and "thereafter will be donated to further the cause of a free press."

The tap was placed on Mr. Smith's home telephone when he was diplomatic correspondent for The Times in its Washington bureau. This telephone surveillance was initiated after The Times published articles under Mr. Smith's byline concerning what the Nixon Administration considered to be sensitive material.

James C. Goodale, the executive vice president and counsel to The New York Times Company, said in a statement that The Times "fully supports" the legal action taken by Mr. Smith and his wife, Ann, on their own behalf and that of their three children.

Defendants in the suit in addition to Mr. Nixon include Secretary of State Henry A. Kissinger; two former Presidential assistants, John D. Ehrlichman and H.R. Haldeman; former Attorney General John N. Mitchell; William C. Sullivan and Cartha De Loach, two former officials of the F. B. I.; Clarence M. Kelley, the F. B. I. director, and Attorney General Edward H. Levi, as well as the Chesapeake and Potomac Telephone Company.

A spokesman for the Justice Department said: "We have no comment. We'll comment in court." There was no immediate comment from the telephone company.

The New York Times is providing the legal counsel for the suit.