

Halperin Case Records Show

By Walter Pincus

Washington Post Staff Writer

FBI Director J. Edgar Hoover initiated the first Nixon administration news leak wiretap on Henry Kissinger's National Security Council aide Morton Halperin, according to records filed with the District Court and congressional committees.

The next day, May 10, 1969, unaware of the existing tap, Kissinger sent Halperin's name and three others to the FBI believing his move would start an investigation which would include wiretapping.

Why did Hoover pick Halperin? And why did Kis-

singer also choose him?

Almost seven years after the event these questions seem like nit-picking, but they are pertinent to a lawsuit filed by Halperin that seeks cash damages from Kissinger, former President Nixon and others for what Halperin charges was an illegal wiretap.

The intermittent release of depositions taken in connection with the lawsuit has provided opportunities for critics of Kissinger to use conflicting stories about his role to attack the secretary's credibility.

The Secretary, according to his aides, is obsessed by the tap issue, seeing it as a

way his enemies are trying to destroy him by linking him to Nixon and Watergate.

On March 30, Kissinger is scheduled to be questioned under oath by Halperin's lawyers. His deposition will be the last in a series that has included former Attorney General John N.

ell was to approve wiretaps requests after receiving requests from Hoover, according to this account.

Nixon, Kissinger and Mitchell disagree, however, on who suggested that Halperin be tapped.

In congressional testimony and a lawsuit affidavit, Kissinger has stated that at an April 25, 1969, meeting: "Director Hoover identified four persons as security risks and suggested that these four be put under surveillance initially."

Halperin and two other National Security Council staff members, Daniel Davidson and Helmut Sonnenfeldt, were on the list. The fourth was Henry Brandon, the London Sunday Times Washington correspondent who, according to Kissinger, "Hoover claimed had connections with foreign intelligence services and had been tapped in previous administrations."

Brandon denies having any ties to intelligence agencies.

Mitchell does not recall a single meeting as Kissinger does but rather a series of meetings during which Halperin as well as other Kissinger staff people were "described as having access to the information which had been leaked."

Mitchell does not "recall the Director [Hoover] initiating any names for discussion."

Rather, the former Attorney General said Nixon "in a limited way" and Kissin-

News Analysis

Mitchell, former Kissinger aide Alexander M. Haig Jr. and Nixon.

At the time the taps were initiated, the five key persons involved were Nixon, Kissinger, Mitchell, Haig and Hoover.

Nixon, Kissinger and Mitchell agree that in late April and perhaps early May, 1969, there was a series of White House meetings to discuss leaks of security information to the press that endangered foreign policy initiatives.

Nixon said that Hoover suggested "wiretapping (was) the ultimate weapon that can be used and sometimes in a very effective way," to stop leaks.

In late April, according to the Nixon, Kissinger, Mitchell depositions, Nixon gave Hoover the authority to investigate individuals suspected of leaking, and to use physical and electronic surveillance methods.

Kissinger was to supply Hoover with the names of suspected leaders and Mitch-

Hoover Initiated Leak Wiretap

ger raised six to eight names "selected for the purposes of the original surveillance, wiretapping, examination, questioning, whatever the matter was."

Nixon, in his deposition, denied he ever brought up Halperin's name as a wiretap candidate.

He said, however, that one criteria for those to be investigated was "information in the [security] file indicating that an individual was perhaps either sloppy or possibly in some cases intentionally failed to disclose his travels abroad, conversations he had and et cetera."

Halperin's security file, as described in a Kissinger affidavit, recorded information about his failure to "report a visit to Greece, Yugoslavia and the Soviet Union" on a passport application plus not reporting conversations with Soviet citizens on the same application.

Nixon also said that Halperin was wiretapped in part because "Mr. Hoover urged that he be put on the list." Halperin's lawyers did not press the former President to expand on when or how that urging took place.

No leak investigation under the President's authorized program was instituted by Hoover until William Beecher wrote a story about secret U.S. bombing in Cambodia in the May 9, 1969 New York Times.

According to the records,

Kissinger on the morning of May 9 requested that Hoover inquire into the sources of that Beecher story and two earlier ones.

In another phone call to Hoover, according to FBI memos, Kissinger asked that the investigation be discreet "so no stories will get out."

According to one Hoover assistant, the investigation initially consisted of contacting "newspaper people friendly to the FBI and asking them their opinion concerning the matter."

One FBI informant asked Beecher directly for his source, according to the FBI memos, and was told it was in the Air Force.

"Several different newspapermen and other sources" suggested Halperin as a friend of Beecher, according to the FBI memos.

An FBI file check was done on Halperin and turned up information that showed he "and other experts in his field are of the opinion that the United States leadership erred in the Vietnam commitment..."

It also showed that his name had appeared on a 1965 list of sponsors for a Vietnam sit-in, and that he received, in that same year, "the World Marxist Review Problems of Peace and Socialism, a Communist publication."

That, apparently was enough for Hoover and he ordered a tap on Halperin's home phone, according to the records.

At 5:05 p.m., the afternoon of May 9, Hoover phoned his first report to Kissinger, according to FBI memos. The then-FBI director said, "It is the conclusion of the contacts" that the source of the leak was probably "a staff member of the National Security Council." And, he said at another point, "This is speculation all the way through tying it into this man Halperin."

The Hoover memo quoted Kissinger as saying that he, too, had heard allegations that the leak came from his staff, "but there is no proof."

Kissinger, according to Hoover's memo, said "he hoped [Hoover] would follow [the investigation] as far as we can take it..." But, according to the memo and Kissinger's later testimony, Hoover did not say he had already ordered the Halperin home wiretapped.

About one hour after the Hoover-Kissinger conversation, the first interceptions were recorded from the Halperin tap, according to FBI records.

On the afternoon of May 9, Kissinger talked to Halperin and told him, Halperin later stated, he was "suspected of leaking a story" to Beecher in the Times.

Because "a number of high-level figures in the Nixon administration were suspicious of my political views," Halperin recalled, Kissinger cut off his access to "more sensitive information regarding national security matters."

The next day, according to the records, Kissinger—unaware Halperin was already being tapped—sent Halperin's name on a list with three others to the FBI for investigation in a wiretap.

The May 10 list was handled by Haig, who met at FBI headquarters with William Sullivan, a top Hoover deputy who handled domestic intelligence matters.

On the list, according to late FBI memos, were Halperin, Davidson and Sonnenfeldt along with Col. Robert E. Pursley, an Air Force officer at the time serving as military assistant to then-Defense Secretary Melvin Laird.

Haig recently said he had the impression "the names had already been cleared and concurred in."

The Kissinger list came to the FBI on a Saturday. Action on it was delayed until Monday, May 12, when the FBI request to initiate wiretaps, on the four was approved by Mitchell.

In the interim, the Hoover-originated Halperin tap may have been disconnected on Sunday, according to one informed source, since logs for that day don't appear to be complete.

The Halperin tap and the other three began operating on May 12, hours after their approval by the Attorney General.

Thus, Hoover by May 12 had a White House-ordered tap on Halperin in place of the one he had started three days earlier—on his own.