

Kissinger, Nixon Differ On Wiretap

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Secretary of State Henry Kissinger has disputed under oath former President Richard Nixon's sworn testimony that Kissinger had the authority to evaluate and recommend the removal of the Nixon administration's wiretaps on government officials and newsmen.

"My relationship to the program was primarily as a consumer, or a passive one . . . It was never my perception that I had any responsibility for termination of the taps," Kissinger testified in a deposition filed in a lawsuit over the so-called "national security" wiretaps.

The wiretaps on 17 newsmen and government officials were initiated as part of a program to stop alleged leaks of classified information to the press. The deposition was filed in a \$3 million civil suit brought by Morton Halperin, a former aide to Kissinger on the National Security Council and one of those persons tapped.

Halperin is suing Mr. Nixon, Kissinger and several other former or present government officials.

Mr. Nixon had testified in an earlier deposition in the same suit that Kissinger could "evaluate the taps over a period of time" and that the late FBI Director J. Edgar Hoover "would give very great weight to Dr. Kissinger's recommendation that a tap be removed."

Mr. Nixon contended, as did Kissinger in his testimony, that Hoover had the final say about when a tap could be initiated or ended. Three other defendants in the same case—former Attorney General John N.

See WIRETAP, A13, Col. 4

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Mitchell, ex-FBI official Cartha DeLoach and ex-White House aide John D. Ehrlichman—have testified they understood the taps to be under Kissinger's direction and control.

Kissinger's role in the wiretap program has been a major source of controversy and embarrassment for the Secretary of State. While the Secretary continues to maintain his role in the program was minor and limited to supplying names for possible tap subjects, the suit alleges Kissinger played a larger role and actually controlled the initiation and termination of the surveillances.

Kissinger previously has answered written questions under oath in the same lawsuit, but the deposition filed yesterday was the first in which he was cross-examined by Halperin's attorneys.

The Secretary described the tap program and documents sent to him as "a very minor part of my activities" in the White House as national security adviser at the time. Therefore, he testified, his memory concerning the program is spotty.

"You have to remember that these taps have assumed an all-consuming importance, to some people at least," Kissinger testified. "At that time, to me they were an occasional letter that wandered across my desk among hundreds of documents."

Kissinger stood by his earlier testimony that the wiretap program was first discussed in a White House meeting between himself, Hoover, Mitchell and Mr. Nixon on April 25, 1969.

White House logs for that day do not reflect such a meeting. Kissinger said he could not "explain" why there are no records of the session but that "my recollection of the meeting is extremely precise."

Kissinger said he could not remember who asked him to supply the names of specific persons who had access to classified information, but that such a request was made. He testified earlier in the suit that Hoover was the first person to suggest Halperin by name as a

tap target.

He said he did not know the details of the operation once it began. There has been testimony that the program was shrouded with unusual secrecy, even for national security wiretaps.

Kissinger said in the deposition that at the April meeting Hoover provided what was, to him, the "startling piece of information" that previous administrations had used wiretaps to seek out leaks of government information.

"The whole subject was one that I did not particularly understand or was particularly wild about," Kissinger testified. He said he went along with the idea to tap Halperin because he valued Halperin's contributions to the NSC and wanted to keep him on the staff.

" . . . I reluctantly went along with this approach as the lesser of two evils, in my view—and as being necessary in the interest of national security," Kissinger testified. He praised Halperin throughout the deposition, describing him as one of the first persons whom he contacted as a possible co-worker when he was hired by the Nixon administration.

Kissinger said, as he had before, that other persons in the administration were opposed to his hiring Halperin because of Halperin's political philosophies and his connections with previous Democratic administrations.

"Mr. Hoover replied that

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the only solution (for tracing leaks) was wiretapping, which had been done extensively, as I remember his words, in the previous administrations," Kissinger continued.

"My understanding is that the President ordered the whole program . . . The authority was given to Hoover, not to me," Kissinger said.

The tap on Halperin's phone actually was placed on May 9, the day a story appeared in The New York Times concerning the secret U.S. bombing of Cambodia. Kissinger said he was asked by the President to call Hoover and ask him to start the investigation into leaks that day.

Kissinger testified Hoover told him that afternoon that Halperin was "the prime suspect," apparently because he had once been a roommate of the reporter who wrote the story.

"I did not tell Mr. Hoover how to conduct his investigation. I asked him to conduct an investigation," Kissinger added.

Various government documents—indicating Kissinger had specifically ordered the tap to remain in place on Halperin's telephone even after he had left the government—were shown to the Secretary. But Kissinger said he never played such a role in the wiretap program.

"I have no recollection of this. And the question of continuing surveillance did not appear to me to be in the purview of my office," Kissinger said in the deposition.

He said Mitchell's statement that Kissinger controlled the wiretaps was "incompatible with the facts."

Instead, Kissinger said he had "repeatedly asked" the President to stop having information on the tap program sent to his office.

In May, 1970, Mr. Nixon ordered the tap material sent to his top political adviser, H. R. (Bob) Haldeman, instead of to Kissinger. Mr. Nixon denies, however, that

this was done for political purposes.

The tap on Halperin's telephone remained in place for 21 months, until February, 1971. During the time it was on his phone, Halperin had left the White House and was working for various Democratic opponents of the Nixon administration and its policies in Southeast Asia.

Kissinger said in the deposition filed yesterday that the material he saw from the tap was "borderline" in its usefulness concerning national security, and that the tap of Halperin never produced any evidence he was leaking government materials.