

KISSINGER CITED ON NIXON DATA

Said to Have Taken Papers
From the White House

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WASHINGTON, Jan. 14—Secretary of State Henry A. Kissinger removed from the White House a number of documents that may be part of the Presidential papers of Richard M. Nixon, according to key sources in the Ford Administration.

The body of documents came to light earlier this week in a deposition filed by Mr. Kissinger in connection with a lawsuit over the wiretapping of telephone conversations of newsmen and Presidential aides.

In the deposition, Mr. Kissinger said, "Business telephone calls from my White House office were usually monitored by my personal secretaries, who then prepared brief summaries of those conversations."

Mr. Kissinger was then President Nixon's adviser for national security affairs. Former White House aides said that the callers never knew Mr. Kissinger's secretaries were listening in.

The same deposition said that these summaries had been removed from the White House and were at the State Department in the custody of Lawrence Eagleburger, Mr. Kissinger's assistant. Sources familiar with the matter said Mr. Kissinger had taken the papers with him when he became Secretary of State in September 1973.

Mr. Eagleburger said that State Department lawyers believed that as long as Mr. Kissinger remained in government he was entitled to keep these "working papers" with him and that the issue of who owned them would arise only when he left Federal service.

But several lawyers in the Ford Administration say privately that they disagree and are examining the question. One of the lawyers said it was his opinion that "these are documents of the National Security Council."

"These summaries were prepared by Government secretaries on calls dealing with Government business and they should be in the White House," the lawyer said.

Philip W. Buchen, counsel

to President Ford, who has been in charge of the question of control of the Nixon papers, said that he had not known that Mr. Kissinger had removed the materials and that it had been done before President Nixon resigned on Aug. 9, 1974. Thus they were not part of the materials that came under his supervision.

Could Be Historical

He suggested that the issue of who controlled the materials presumably should be raised by Mr. Nixon or his lawyers.

Herbert J. Miller, Mr. Nixon's lawyer, said he believed that, under the law governing Mr. Nixon's papers, it was up to the General Services Administration and the National Archives to seek and catalog the materials in Government that belong to Presidential papers.

Several present and former White House officials with knowledge of the National Security Council said the summaries could well be a repository of valuable historical data and important detail. Though the period of the summaries covered in the deposition ranges only from Jan. 21, 1969, until February 1971, former White House aides believe the practice continued during most of Mr. Kissinger's service with President Nixon.

In the recent Senate and House committee investigations of intelligence agencies, two sources said, Mr. Kissinger did not permit anyone outside of his staff at the State Department to search these materials.

Mr. Kissinger's deposition was filed in answer to questions from Morton H. Halperin in a lawsuit involving 17 wiretaps placed on White House aides, Government employees and newsmen between 1969 and 1971 in what the Nixon Administration said was an effort to stop information leaks.

Mr. Halperin served on Mr. Kissinger's staff from early 1969 until September 1970. The Federal Bureau of Investigation placed a tap on his home phone from May 9, 1969, until February seeks civil damages.