

# Nixon must pay damages

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WASHINGTON (AP) — A federal judge ordered former President Richard M. Nixon and two officials of his administration Thursday to pay damages to a national security aide whose telephone had been tapped by the government.

The two officials named by U.S. District Judge John Lewis Smith Jr., were former Atty. Gen. John N. Mitchell and former White House chief of staff H. R. Haldeman.

Smith said he would determine later, after receiving arguments on the question, the amount the three would be required to pay in damages to Morton H. Halperin, a former chief of the National Security Council Planning Group.

Smith's ruling came in a damage suit brought by Halperin against Nixon, Mitchell, Haldeman and other officials, including Secretary of State Henry A. Kissinger and former presidential aide John Ehrlichman.

The judge said the other officials were not liable for damages.

Asked for his reaction, Haldeman said only: "I'm aware of the decision but have no comment."

There was no immediate reaction from Nixon or Mitchell.

Halperin sought civil damages of \$500 for each day the tap was in place on his home telephone.

Smith said the wiretap on Halperin's telephone was authorized by Mitchell on May 12, 1969 and remained in place for approximately 21 months. Halperin left the government prior to the tap's removal and engaged in antiwar activities.

The judge said Nixon was liable for damages for having initiated and overseen a program of wiretaps.

He said Mitchell was responsible because he failed to carry out obligations to review his authorization of the wiretap and decide whether to renew it.

He said Haldeman was liable "for having reviewed the material for purposes unrelated to the tap's original justification."

The judge said the original purpose of the wiretap program authorized by Nixon was to monitor persons suspected of leaking information which could be damaging to national security or the country's foreign policy.

However, the judge said information gleaned from the wiretap apparently that was used for political purposes.

The judge said the wiretap violated the guarantee against unreasonable search which is contained in the Fourth Amendment to the Constitution.

He said the tap invaded Halperin's "privacy and freedom of expression."