

# Wiretapping Is Ruled No Bar to Kissinger

By Marilyn Berger  
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Henry A. Kissinger's role in the wiretapping of several of his subordinates and newsmen "was not such as to bar him from confirmation by the Senate" as Secretary of State, a Foreign Relations subcommittee reported yesterday.

The tentative bill of health appeared to clear the way for Foreign Relations Committee approval of the nomination today. Senate action is anticipated Thursday or Friday.

Chairman J. W. Fulbright (D-Ark.) said that the full committee took no action on the special subcommittee's report, submitted by Sens. John Sparkman (D-Ala.) and Clifford Case (R-N.J.). But he said no one on the committee took exception to the report.

Fulbright also told reporters it appears that wiretapping will continue to be used for national security purposes. "I would hope for a procedure" to govern it, he said.

The committee spent much of the closed session yesterday discussing how to define "national security" and how to develop such procedures. Fulbright said that in domestic cases a judicial order is required while in national security cases anybody could request a tap. "No one was ingenious enough to say this is the way it should be handled," Fulbright observed. "I said this shouldn't be left alone to the Attorney General."

The chairman said the committee would issue a "sanitized" transcript of the



**HENRY A. KISSINGER**  
... tentative bill of health

session excising the names of persons involved in the tapping issue. Since the committee discussed the FBI memorandum on the tapping of Kissinger's aides and newsmen, the transcript is expected to provide some glimpse of the procedures followed.

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Kissinger has disclaimed any responsibility for proposing particular methods of preventing the leak of national security secrets, but has expressed deep concern about such disclosures.

Kissinger appeared before the committee for two-and-one-half hours yesterday morning and an equal amount of time in the afternoon. By Fulbright's account most of the morning was spent on the wiretap issue and much of the afternoon on future procedures for the making of foreign policy.

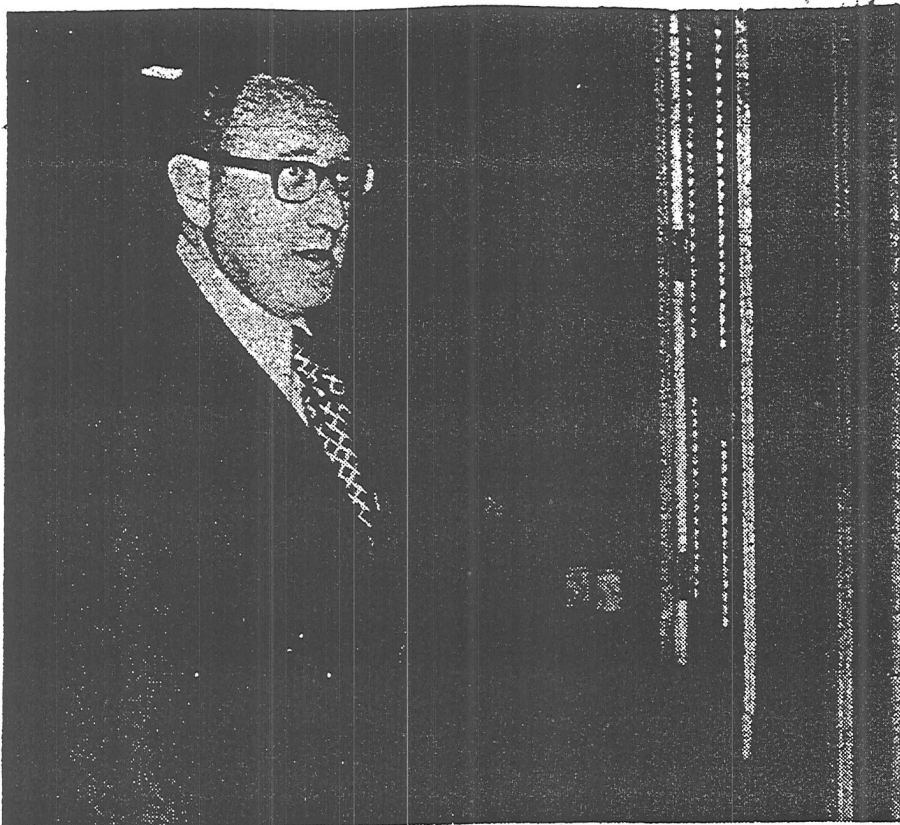
The chairman said there was no question that Kissinger's views of policy—on issues such as the use of troops abroad—differed from his own and some other committee members'. That, however, was not an issue in deciding whether to confirm the nominee, he said. Thus the committee spent a good deal of time discussing how policy would be made in the future and particularly how Congress—which has been left out in the policy determination.

past—would be included in "I can't say I'm optimistic that everything is going to run smoothly at all," Fulbright said after the closed session. "These things become imbedded in the system and it's hard to change."

He said that Kissinger gave assurances as far as anyone could. "He assured us of his willingness to cooperate with

the committee. . . . If there are serious differences I'm not sure we'll be able to cope with it," Fulbright said.

During his public hearings Kissinger promised to discuss a number of substantive issues in the privacy of executive session. But the committee spent very little time on substantive issues such as China and detente with the Soviet Union, Fulbright said. Kissinger said nothing different in private, according to the chairman; the difference was "in degree and emphasis only."



Associated Press

Secretary of State-designate Henry A. Kissinger arrives at Capitol for hearing.

Fulbright said the 10-minute limit, intended to give every member a chance to question the nominee, virtually precluded deep probing.

The one-page subcommittee report on the wiretapping expressed appreciation for the administration's willingness to make available an FBI summary report on the 17 wiretaps related to national security:

"The subcommittee believes this is a good omen for the development and continuation of the mutual trust which must

exist between the Department of State and the Executive Branch in general and the Congress if the foreign policy of the nation is to have maximum support of the American people."

The report said the committee was "right in insisting on full examination of the circumstances of the surveillance" and noted agreement with Attorney General Elliot Richardson that "the action has raised the 'threshold of sensitivity' to the danger of abuses of surveillance."