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Ruckelshaus' Statement on Wiretaps

This is the statement of William D. Ruckelshaus, acting FBI director, on results of an investigation into missing records relating to electronic surveillances on certain individuals.

Shortly after assuming this job, my attention was drawn to several newspaper and periodical accounts of electronic surveillances—better known as wiretaps—having been placed on telephones of government employees and newsmen in an effort to stem the leaks of information related to highly sensitive foreign policy issues. Upon inquiry, I was informed by FBI employees that these surveillances had been performed and that the records relating to them were missing from the FBI files. Also the question had been raised in the Ellsberg trial whether information from these alleged taps had been used by the prosecution in any way and thus tainted the evidence.

As a result of this information, I immediately ordered an investigation into the facts surrounding the taps and the missing records. This investigation was started Friday, May 4, 1973, and was conducted under my personal supervision by highly skilled FBI personnel at headquarters. Forty-two separate interviews were conducted, all by headquarters personnel, and included travel to Phoenix, Ariz.; Tampa, Fla.; Savannah, Ga.; New York City and Stamford, Conn.

The investigation revealed that from May, 1969, to February, 1971, based on consultations between the director and the White House, certain wiretaps were insti-

tuted in an effort to pinpoint responsibility for leaks of highly sensitive and classified information which, in the opinion of those charged with conducting our foreign policy, were compromising the nations effectiveness in negotiations and other dealings with foreign powers.

There was a total of 17 wiretaps placed for this purpose. Four were placed on newsmen as the potential recipients of leaks and 13 on government employees as the potential sources. The taps were on for varying lengths of time during the period in question; two for as little as 30 days and one for as long as 21 months.

These requests were handled in the same way as other requests involving national security for a number of years. When a government agency or the White House requests surveillance the request is studied by the senior officials of the FBI, and if the director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences, summaries are prepared from the logs, which are transmitted to the interested agency, or as in this case, the White House.

Because of the sensitivity of these particular surveillances, the records were very closely held; first in the director's office and then on the director's orders under the custody of Mr. W. C. Sullivan who was an assistant to the director.

The investigation indicates that sometime in the summer of 1971, after the taps were all taken off, Mr. Sullivan contacted Mr. Robert Mardian, who was then assistant attorney general in charge of the Internal Secu-

rity Division, and informed him of the nature of these records and recommended that they be transferred to the White House. According to Mr. Mardian, the recommendation was made on the claim by Mr. Sullivan that Mr. Hoover might use the records in some manner against the Attorney General or the President. Mr. Sullivan does not affirm Mr. Mardian's claim. There is certainly no proof that Mr. Hoover had such intention but the charge had its desired effect. According to Mr. Mardian, he informed Mr. Mitchell, who in turn informed the White House. The records were taken from the files by Mr. Sullivan, who ordered them given to Mr. Mardian, who delivered them to the White House.

When the FBI discovered the records were missing upon Mr. Sullivan's retirement in the fall of 1971, it commenced an inquiry which ended when Mr. Hoover was informed by Mr. Mitchell that the records had been destroyed. It should be noted that Mr. Mitchell has denied making such a statement to Mr. Hoover. This conflict cannot be resolved because of Mr. Hoover's death. Mr. Mitchell, however, confirmed that the records were moved to the White House.

In any event, the FBI accepted the premise that the records had been destroyed, and when I assumed my present position, I also had no reason to believe that the records were still intact. It was not until last Thursday night that our investigation revealed during an interview with Mr. Mardian in Phoenix, that the records possibly still existed and

might be in The White House.

The next day the records were located in the White House, having been filed in a safe in Mr. Ehrlichman's outer office.

Unfortunately, the records were not located in time to respond to Judge Byrne's inquiries about the potential taint of evidence in the Ellsberg trial. The interceptions of Ellsberg's conversations all occurred when he was either a guest of Morton Halperin, National Security Council, or conversing with him. It was one of these conversations of Mr. Ellsberg which I had informed the judge on Wednesday, May 9, 1973 had been remembered by one of our employees who had monitored the tape. Of course whether the location of the records would have had any effect on the judge's decision is not for me to say.

On Saturday an FBI agent and I went to the White House, identified and retrieved the records. They now rest in the FBI files.

The investigation was conducted with skill, speed, and effectiveness by the FBI and resulted in the full retrieval of the records. I believe it is in the public interest to reveal these facts so that this story can be put in proper perspective.