

# FBI Logs Found in Ehrlichman Safe; CIA Spurned Nixon Aides on Cover-Up

## Kissinger Sought Security Leak Plug

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Wiretap records that have been missing from FBI files since 1971 were found Saturday in a safe in the White House office of former presidential assistant John Ehrlichman, Acting FBI Director William D. Ruckelshaus disclosed yesterday.

The records included summaries and logs that had been demanded by U.S. District Judge Matthew Byrne in the Pentagon Papers trial of Daniel Ellsberg, which ended last week in a mistrial.

Ruckelshaus also revealed that the FBI made the wiretaps on the telephones of four reporters and 13 White House officials following a series of discussions in the spring of 1969 between presidential adviser Henry A. Kissinger and the late FBI Director J. Edgar Hoover.

During the discussions, Ruckelshaus said, Kissinger told Hoover he was "extremely concerned" about news leaks that were affecting foreign policy.

The leaks and subsequent wiretaps preceded by two years the disclosure of the Pentagon Papers by Daniel Ellsberg. They came at a time of secret peace overtures to North Vietnamese negotiators and continued through early disclosures of the U.S. position in the strategic arms limitation talks (SALT) and of U.S.-U.S.S.R. anti-ballistic missiles capabilities.

Ruckelshaus refused to reveal the names of the reporters and administration officials whose telephones were tapped, saying that the "potential harm" to those involved outweighs any possible benefit of naming names.

However, it had been previously disclosed by govern-

ment sources that the telephones of reporters of The New York Times, The Sunday Times of London and The Washington Post were tapped in connection with the publication of the Pentagon Papers and in connection with the reporting of other diplomatic stories.

In a candid review of a 10-day-long FBI investigation into the wiretaps and the disappearance of the transcripts, Ruckelshaus told a press conference that he and an FBI agent recovered two large boxes containing the logs and summaries of the telephone taps from a safe in the outer office of Ehrlichman, who has resigned as President Nixon's principal deputy for domestic affairs.

Ruckelshaus' disclosure of the finding of the records was the first formal admission by the government of the extensive use of wiretaps to pinpoint the source of news leaks.

In a press conference Saturday, Kissinger seemed to deny ordering such surveillance, although he said he had received summaries of internal security reports written by agency heads on their own initiative.

Asked if he was aware of wiretaps on the telephones of White House staff members, Kissinger responded that the

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*FBI wiretap files were kept in White House because J. Edgar Hoover "was not of sound mind" and "might use" them against President Nixon, ex-FBI official says.* Page A10.

*Text of Ruckelshaus statement.* Page A10.

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## RUCKELSHAUS, From A1

"overwhelming majority" of such investigations are initiated by the FBI or the Central Intelligence Agency and that they follow "duly constituted processes."

Kissinger said yesterday:

"My conversation with J. Edgar Hoover concerned the safeguarding of classified information and not the initiation of any particular form of investigation."

Kissinger, in other words, was disclaiming responsibility for initiating the use of wiretapping as a special means to check on security leaks. He did not indicate, however, that he registered any objection to the methods employed by the FBI.

Ruckelshaus said the genesis of the telephone surveillance of reporters and administration officials was a series of "very general" discussions in the spring of 1969 between Kissinger and Hoover in which Kissinger expressed "extreme concern" over certain news leaks.

The acting FBI director said the request was routinely studied and approved by then Attorney General John N. Mitchell and that 17 wiretaps were made on the homes and offices of the reporters and administration officials. The surveillance lasted from one to 21 months, he said.

Ruckelshaus said that because of the "sensitivity of these particular surveillances," the records were kept at first in Hoover's office. Later, at Hoover's direction, Ruckelshaus said, they were moved to the office of William C. Sullivan, then assistant to the director of the FBI.

In the summer of 1971, Ruckelshaus said, the wiretap logs and summaries were moved to the White House on Sullivan's recommendation.

Ruckelshaus said that until Thursday night, when the FBI interviewed Robert Mardian, former assistant attorney general in charge of internal security, he and other Justice Department officials had assumed that the logs and summaries had been destroyed.

This belief, Ruckelshaus said, was based on information supplied to Hoover by Mitchell.

Mitchell has denied making such a statement to Hoover.

Ruckelshaus said that Mardian told FBI agents Friday night that Sullivan said he wanted the wiretap records moved to the White House because he felt that Hoover might use the documents in some unspecified manner against Mitchell or President Nixon.

Ruckelshaus noted that Sullivan "does not affirm" Mardian's version of the transfer of the records.

The acting FBI director said his agency ended its investigation into the missing files when it "accepted the premise" that they had been destroyed.

"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," Ruckelshaus said.

He added, "Of course, whether the loss of the records would have had any effect on the judge's decision is not for me to say."

All of the interceptions of Ellsberg's conversations, Ruckelshaus said, occurred when Ellsberg was visiting or conversing on the telephone with Morton Halperin, a staff member of the National Security Council until September, 1971.

It was disclosed last week at the Ellsberg trial that Halperin's home telephone was tapped for more than a the missing logs and summaries. "I take it Mr. Ehrlich-year.

Ruckelshaus said the FBI questioned Ehrlichman about man was simply a custodian of the files while he was in the White House," the acting FBI director said.

When asked to characterize the information obtained as a result of the taps, Ruckelshaus said, "The question of the worth of these taps will probably remain open and a question of debate well into the future."

He called the taps "completely legal when they were put in."

The legality of "national security" wiretaps is an unsettled question. Last year, the Supreme Court unanimously rejected Nixon administration claims to the right to conduct electronic surveillance without a court order in so-called "domestic subversion" cases, but the court left open whether the Executive Branch has such power in national security cases involving "foreign subversion."

When asked about Mr. Nixon's possible knowledge of the FBI investigation into the leaks, Ruckelshaus would say only that "it is known that the President was very concerned himself (about) the leaks."

He said that because the logs and summaries were sent to the White House, he assumed that Kissinger read them.

Meanwhile, it was confirmed that Mr. Nixon sent a letter in June, 1971, to Hoover advising the FBI director that White House aide Egil (Bud) Krogh was in charge of a special task force on national security and asking FBI cooperation.

Krogh's task force sought to plug leaks of information from within the administration, and subsequently became known as "the plumbers."

Krogh has admitted directing a burglary of the office of Ellsberg's psychiatrist and is himself the object of an investigation by a county grand jury in Los Angeles.

Ruckelshaus said he had told the White House and outgoing Attorney General Richard G. Kleindienst about his announcement of the missing wiretap records and that the response was, "Well, that's your statement."

"My departure may be more rapid than you think," Ruckelshaus told reporters.