

# DOCUMENTS SHOW NIXON APPROVED PARTLY 'ILLEGAL' '70 SECURITY PLAN

## Laird Takes Ehrlichman White House Job

### 'RISKS' ARE NOTED

#### President Told May 22 of Voiding Program Hoover Opposed

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President Nixon approved a plan for expanded domestic intelligence gathering in July, 1970, after being cautioned that parts of it were "clearly illegal" and involved "serious risks" to his Administration if the operations were ever discovered, according to White House documents.

The program, which Mr. Nixon described in part last

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month, was approved by him through H. R. Haldeman, then his chief of staff, after Tom Charles Huston, a staff assistant to the President, told Mr. Haldeman, "We don't want the President linked to this thing with his signature on paper . . . [because] all hell would break loose if this thing leaks out."

In a statement issued May 22, Mr. Nixon said that he had rescinded his approval of the "1970 intelligence plan" five days after he ordered it put into operation. He attributed the switch to "reconsideration . . . prompted by the opposition of [F.B.I.] Director [J. Edgar] Hoover."

#### 'Surreptitious Entry'

The President acknowledged

in a statement that the extremely sensitive" documents detailing the—plan, some of which have been obtained by The New York Times, contained a provision for surreptitious entry" by Federal agents in the course of certain types of national security investigations.

But Mr. Nixon gave no hint that the Interagency Committee on Intelligence, which recommended in a 43-page report that the existing restrictions against breaking and entering by intelligence agents be removed, had warned that the "use of this technique is clearly illegal."

The New York Times obtained three memorandums written by Mr. Huston—one summarizing the committee's report to the President, another informing the heads of Federal intelligent agencies that committee's recommendations had been approved, and a third providing Mr. Haldeman with background on the committee's deliberations and with a strategy for securing Mr. Hoover's cooperation.

The Times did not receive copies of the full report, or of the entire letter attached to the summarizing memorandum,

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also written by Mr. Huston, advising Mr. Haldeman that the President should not give the plan his written approval.

The committee's recommendations for the lifting of certain restrictions on intelligence gathering were summarized in a top-secret memorandum by Mr. Huston, who served as the committee's White House liaison.

The memorandum, sent to Mr. Haldeman for the President's approval in early July of 1970, notes that surreptitious entry, even by Federal agents, "amounts to burglary. It is also highly risky and could result in great embarrassment if exposed."

In recommending that the technique be resurrected, the document noted that the Federal Bureau of Investigation "used to conduct such operations with great success," and that the information they produced was "invaluable."

Such burglaries, the memorandum continued, "would be particularly helpful if used against the Weathermen and Black Panthers," and against unspecified "diplomatic establishments."

But, it noted, "the deployment of the executive protector force has increased the risk of surreptitious entry" in diplomatic cases.

The Executive Protective Service, a uniformed branch of the Secret Service, was created by President Nixon in March, 1970, to guard foreign embassies in the Washington area.

The intelligence committee, of which Mr. Hoover was the chairman, also proposed, according to the Huston memorandum, that restrictions against both legal and illegal "mail coverage" be removed.

A "legal" mail cover involves the examination, before delivery, of letters and packages addressed to suspect individuals, and the recording of the name of the sender, the date and place of posting, and

other information that can be obtained without opening the seal.

"There is no valid argument against use of legal mail covers," Mr. Huston wrote, "except Mr. Hoover's concern that the civil liberties people may become upset."

But he added that the risk of such protests was "hardly serious enough to justify denying ourselves a valuable and legal intelligence tool."

#### 'Illegal' Mail Covers

The memorandum points out that "illegal" mail covers, or the opening of sealed materials before delivery, presented "serious risks." But Mr. Huston said that the committee had recommended the implementation of such "covert coverage" on the ground that "the advantages to be derived from its use outweigh the risk."

In addition to asking the President to approve the use of covert mail covers and illegal entry, the committee's report, as reflected in the Huston memorandum, requested the authorization of the following other measures:

¶Permission for the National Security Agency to monitor the communications of U. S. citizens using international facilities, such as overseas telephone and telegraph circuits.

¶The intensification of such electronic surveillance against individuals and groups in the United States who pose a major threat to the internal security.

¶An increase in the number of "campus sources" working for Federal intelligence agencies "in order to forestall widespread violence." The document declares that "the campus is the battleground of the revolutionary protest movement," and states the committee's belief that "it is impossible to gather effective intelligence about the movement" without such sources.

On July 15, 1970, Mr. Huston wrote a second memorandum to Mr. Hoover and the three other members of the committee — Richard Helms, then the Director of Central Intelligence; Gen. Donald V. Bennett, who headed the Defense Intelligence Agency, and Adm. Noel Gaylor, at the time the N.S.A. director.

In that document, also marked "top-secret" by Mr. Huston, he told the four men that Interagency Committee on Intelligence, and had approved all of its recommendations, including the use of illegal mail covers and the removal of restraints on surreptitious entry against foreign and "high priority internal security targets."

#### Opposition by Hoover

When Mr. Hoover received word of the President's decision, according to one participant in the report's preparation, "he went through the roof."

Mr. Hoover, the participant said, had objected to all of the committee's recommendations, but had not believed "that the President would read his footnoted objections," and then approve the plan.

The participant, who asked not to be identified, said that Mr. Hoover had "never made a principled objection to anything in the report."

Mr. Hoover's opposition to the intelligence plan, the participant said, and to the committee of representatives of

Federal intelligence agencies that would oversee its operation, stemmed instead from the issue of "whether he was going to be able to run the F.B.I. any way he wanted to run it."

In his statement of May 22, President Nixon said only that the intelligence agencies, after having been told on July 23, 1970, that the plan had been approved, "were notified five days later, on July 28, that the approval had been rescinded" because of Mr. Hoover's "opposition."

Mr. Nixon said then that the genesis of the "unused" intelligence program had been the increase, in late 1969 and early 1970, of urban and campus unrest to a problem of "critical proportions."

#### 'Rioting and Violence'

The President noted that, in the months before he approved the plan, "a wave of bombings and explosions struck college campuses and cities," that "rioting and violence" on American campuses had reached a new peak, and that "gum battles between guerrilla-style groups and police were taking place."

In some cases Mr. Nixon said, these activities "were receiving foreign support."

The participant noted, however, that to his knowledge the C.I.A. had been unable to find any significant connection between "revolutionary violence" in this country and foreign governments.

The recommendations approved by the President nevertheless included the monitoring of overseas communications by the N.S.A., and an increase in the "coverage of violence-prone campus and student-related groups" and in "C.I.A. coverage of American students (and others) traveling or living

abroad."

The committee's report, as summarized by Mr. Huston for the President, noted that Mr. Hoover had until then refused to permit individuals below

21 years of age to serve as "sampus sources" for the F.B.I. The reason, Mr. Huston said, was that "Mr. Hoover is afraid of a young student surfacing in the press as an F.B.I. source, although the reaction in the past to such events has been minimal. After all, everyone assumes the F.B.I. has such sources."

#### Publicity on Campus

When a campus source is exposed, Mr. Huston wrote, "the adverse publicity is moderate and short-lived. It is a price we must be willing to pay for effective coverage of the campus scene."

In his statement, Mr. Nixon noted that a copy of the intelligence plan and "related documents" were taken from the White House by John W. Dean 3d, shortly before he was dismissed on April 30 as the chief White House counsel.

On May 4, Mr. Dean put the plan and other documents, which were reliably reported to be a series of memorandums from Mr. Huston to Mr. Halde- man, in the safe deposit box of an area bank.

Ten days later, Chief Judge John J. Sirica of the Federal District Court here, to whom Mr. Dean's lawyers had given the keys to the box, turned copies of the papers over to the Justice Department and the Senate's Watergate investigat- ing committee.

The papers have not been publicly released, but one official with access to the documents has said that the related memorandums, written by Mr. Huston after the President had withdrawn his approval for the plan, contain other intelligence-gathering proposals not included in the original program.

The official said that one memorandum, dated Sept. 21, 1970, contained a proposal by Mr. Huston that the Internal Revenue Service put together a small group of agents to use information gleaned from tax records "to harass or embarrass" certain individuals. He said there was no indication whether the proposal had been acted on, only that "some objection from the I.R.S. had been ironed out."