

Nixon Got Advice From Top

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President Nixon's secret 1970 decision to authorize burglary and illegal mail searches as a way to spy on New Left radicals was recommended to him by the government's top intelligence officials at the CIA and the Pentagon.

Only objections from the late J. Edgar Hoover kept it from happening. When the President first ignored Hoover's complaints and approved the so called Huston Plan for illegal surveillance, Hoover continued to fight it, lobbying through Attorney General John N. Mitchell.

The White House backed down, much to the disappointment of Tom Charles

Huston, the young presidential aide who promoted the scheme, and intelligence leaders like CIA Director Richard Helms who endorsed it.

"I told the Attorney General," Helms complained in a private memorandum, "that we had put our backs into this exercise, because we had thought that we knew all about it and was behind it."

Huston warned his boss at the White House, H. R. (Bob) Haldeman: "All of us are going to look damn silly in the eyes of Helms, Gayler, Bennett and the military chiefs if Hoover can unilaterally reverse a presidential decision based on a report that many people

worked their asses off to prepare and which, on its merits, was a first-rate, objective job."

The narrative of this secret squabble among the government's top intelligence figures is contained in the House Judiciary Committee's four-volume compilation of evidence on domestic surveillance, released as "Book VII" in the committee's collection of impeachment evidence.

The evidence includes a committee-censored version of the original report of the "Interagency Committee on Intelligence," which recommended that President Nixon lift restraints on investigators and permit "surreptitious entry" as well

as illegal mail coverage—called "flaps and seals" by the spy leaders.

The report was signed by Helms, Lt. General D. V. Bennett, director of the Pentagon's Defense Intelligence Agency, and Vice Admiral Noel Gayler, director of the National Security Agency.

Hoover was chairman of the ad hoc committee, but he added a footnote at each controversial point, warning Mr. Nixon that "the FBI is opposed . . ."

Among other things, the collection of documents and testimony suggests that the controversial Huston plan was not solely attributable to White House paranoia during the turmoil of 1970, when campus disorders and

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radical bombings were at their peak. The agency directors, including Hoover, also expected civil unrest to escalate dangerously.

"It would be safe to project," they reported, "that racial strife and student turmoil fomented by black extremists will definitely increase."

Listing the pros and cons of White House authorization for burglary, the report noted that it would involve "illegal entry and trespass."

"The public disclosure of this technique would result in widespread publicity and embarrassment," the report acknowledged.

But it added: "Operations of this type are performed by a small number of care-

fully trained and selected personnel under strict supervision. The technique is implemented only after full security is assured. It has been used in the past with highly successful result and without adverse effects.

After President Nixon approved it, Hoover short-circuited the whole business. Huston wrote an angry plea to Haldeman, urging him to get tough with the FBI director, whom he accused of faintheartedness and bureaucratic jealousy.

As for governmental-sponsored burglary, Huston said that "the FBI, in Mr. Hoover's younger days, used to conduct such operations with great success and no exposure. The information

secured was invaluable."

The National Security Agency, which does code-breaking, had a special interest in the tactic, Huston noted, because one successful burglary of a foreign embassy can do the job of "millions of dollars attempting to break these codes by machine."

He added, however, that since the government had set up the Executive Protection Service to guard foreign embassies in Washington, there would be increased risk of government burglars getting caught by government policemen.

Huston lost the argument. His "decision memorandum" was recalled from all of the intelligence agencies. In August, the responsibility for

domestic spying was handed over to the new White House counsel, John W. Dean III, who attempted to keep the ideas alive through a less combative challenge to the powerful FBI director.

Dean wrote a memo to Attorney General Mitchell, establishing the inter-agency intelligence unit similar to what Huston had wanted, but Dean said that restrictions on illegal techniques should be lifted only on a case-by-case basis so as not to arouse Hoover's objections.

In his Watergate testimony, Dean has said that he knows of no instance when the White House ordered the new unit to conduct illegal spying.