

Tap on Halperin Continued After He Joined Muskie

By JOHN M. CREWDSON

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BALTIMORE, Sept. 30—A "national security" wiretap authorized by President Nixon and placed on an assistant to Henry A. Kissinger remained in effect after the assistant, Morton H. Halperin, left the Nixon Administration and joined the campaign of Senator Edmund S. Muskie, at the time Mr. Nixon's chief Democratic rival.

A brief filed by the Justice Department in response to a suit brought by Mr. Halperin has disclosed for the first time that his home telephone was monitored by F.B.I. agents from May, 1969, until February, 1971, nine months after he resigned as a consultant to the National Security Council, which Mr. Kissinger heads.

The Justice Department also conceded in the brief that summaries of conversations over the 21-month period by Mr. Halperin, as well as those of his wife and three children, were made available by the Federal Bureau of Investigation to H. R. Haldeman, then the White House staff chief, and Mr. Kissinger.

Question of Legality

A separate reply filed by John N. Mitchell, Attorney General at the time the Halperin wiretap was in operation, raised the question of whether some of the total of 17 such taps placed on Government officials and newsmen were installed in accordance with the law.

So-called "national security" wiretaps, which are not authorized by court orders, must be renewed by the Attorney General himself after 90 days, but Mr. Mitchell's brief asserted that he was never asked to extend the wiretap on Mr. Halperin.

The Government said in the main brief that it did not dispute Mr. Halperin's contentions that he and his wife "frequently communicated their political and other views privately and frankly in telephone conversations with their close friends," and that, after leaving the Government, he talked on the telephone with "high elected officials who expressed their views of current Government policies."

Mr. Halperin resigned as a full-time employe of the National Security Council in September, 1969, four months after his tap was begun, but was asked by Mr. Kissinger to remain as a consultant to the N.S.C., which he did until April, 1970.

After April, he became an unsalaried foreign policy advisor to Senator Muskie, and eventually headed his campaign committee on the military budget. Mr. Halperin said in a telephone interview that although he did not remember ever talking with Mr. Muskie over the telephone, "he did have discussions about campaign strategy with some of the Senator's top aides."

Mr. Halperin said he had also worked closely with Anthony Lake, a former colleague on the Security Council who served as Mr. Muskie's chief foreign policy adviser during the Senator's unsuccessful campaign for the Democratic Presidential nomination.

Mr. Lake was also among the six Security Council officials whose telephones were tapped by the Nixon Administration. Sources familiar with the operation have said they believe that the tap on Mr. Lake's telephone might also have been continued until February 1971,

two months after he joined the Muskie campaign.

Although Mr. Halperin's tap was continued for 21 months, longer than any of those on the 12 other Government officials and four newsmen who were targets of the wiretap effort, Mr. Kissinger has said that the conversations overheard during that period "never cast any doubt" on Mr. Halperin's "loyalty or discretion."

President Nixon, in a May 22 statement taking responsibility for the wiretap operation, said that it was aimed at finding and stopping leaks to the press of "secret information" about his foreign policy initiatives.

The President maintained in the statement that the wiretap operation had "produced important leads" that resulted in the tightening of security. But, judging from Mr. Kissinger's remarks, Mr. Halperin was not found to have breached security in any of his conversations overheard by F.B.I. agents.

The Administration had disclosed earlier that at least two of the 17 wiretaps were kept in effect for as short a time as 30 days, presumably because they were also unproductive.

According to the Government brief, it was Mr. Kissinger, now Secretary of State, acting through Alexander M. Haig, then his deputy and now Mr. Haldeman's successor as White House chief of staff, who gave Mr. Halperin's name to the Federal Bureau of Investigation.

Aware of Surveillance

Mr. Kissinger has maintained privately that he never requested wiretaps on any of the individuals whose names he submitted to the F.B.I. as those who had access to the secret information that was being leaked, and that he never had anything to do with the methods used to investigate the leaks.

However, the Government brief makes clear that he, Mr. Haig and Mr. Haldeman, who began receiving the investigation reports in Mr. Kissinger's place about midway through



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the wiretap operation, understood that the data were coming from telephone surveillance.