

Military Aide Phone Was Tapped

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A low-level military assistant to the National Security Council had his phone tapped in an investigation of news leaks in late 1971, at least 10 months after President Nixon said that such wiretapping had been ended, according to informed sources.

FBI files show that former Attorney General John N. Mitchell authorized the tap on the home telephone of the military assistant. The tap was continued for several months up to and possibly after December, 1971, the sources said.

President Nixon said in a May 22 statement that a special program of wiretapping, which included 17 wiretaps on government officials and reporters, was "terminated in February, 1971."

A White House official said yesterday that Mr. Nixon was specifically addressing himself to the 17 wiretaps, the records of which had been removed from the FBI and kept in the safe of John D. Ehrlichman, the President's former top domestic affairs adviser. In the statement, the President used the phrase "fewer than 20 taps."

"We were not and will not address the subject of legitimate national security wiretaps even if they are to stop news leaks," the official said.

Justice Department and White House sources said yesterday that the President's May 22 statement should not be interpreted to mean that there has not been or will not be wiretapping to stop national security leaks.

One White House source said yesterday: "All the turmoil over the 17 wiretaps does not mean such methods will not be authorized if we can't keep sensitive national

security matters from premature appearance in newspapers."

The 17 taps often are referred to as the "Kissinger taps" because of Dr. Henry A. Kissinger's role in identifying the officials who had access to classified documents. Records of the 17 wiretaps eventually were stored in the White House and kept out of the normal FBI files because of some Administration fears that the then FBI director, the late J. Edgar Hoover, might threaten to make them public.

"There were not just 17," one source said yesterday. "There were at least 18, but the records on the tap of the low-level military assistant were not shipped down to the White House but kept in bureau (FBI) files as they should be."

One source said that this was because former assistant FBI director William C. Sullivan, who had close ties to the White House, had been forced to resign by Hoover. Sullivan retired on Oct. 6, 1971. He had urged that the 17 wiretaps files be kept from Hoover, who Sullivan said was "not of sound mind" in his last years.

A second source said that the tap on the military assistant was in connection with a 1971 probe of the leak of secret documents to syndicated columnist Jack Anderson about U.S. policy in the Ind 12-Pakistan war.

In one of the secret documents published by Anderson, Kissinger was quoted as saying: "I am getting hell every half hour from the President that we are not being tough enough on India . . . He wants to tilt in favor of Pakistan. He feels everything we do come out otherwise."

The sources said that copies of reports on the 18th news leak wiretap were sent to the White House offices of Kissinger and former White House chief of staff H.R. Haldeman.

The wiretap turned up nothing to assist the FBI in stopping the leak, according to the sources. Three separate sources, while confirming the existence of the 18th tap, declined to name the person whose phone was tapped.

The FBI has not disclosed the names of the 17th other people whose phones were tapped in the course of the news leak investigation, but all 17 have surfaced publicly. They include four members of the Media and 13 government officials.

On May 15, William D. Ruckelshaus, then the acting FBI director, issued the first public confirmation of the 17 news leak wiretaps.

Ruckelshaus, now the deputy attorney general, said yesterday that his statement in concerned only the 17 taps for which the original records had been removed from the FBI and taken to the White House.

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