

DATA WERE DENIED WIRETAPPED AIDE

Halperin Asserts Kissinger Halted Access to Material 3 Days Before Bugging

BY JOHN M. CREWDSON

A former Nixon Administration official has testified that Henry A. Kissinger precluded his access to sensitive national security information three days before the official's telephone was tapped under a secret program that President Nixon has defended as necessary to halt leaks of such information.

In an affidavit filed yesterday in Federal District Court in Washington, Morton H. Halperin, the former official who is suing Secretary of State Kissinger and others in connection with the wiretap, said that he had made an oral agreement with Mr. Kissinger on the question of access.

The arrangement with Secretary Kissinger was made, Mr. Halperin said, on May 9, 1969, in a conversation at Key Biscayne, Fla. This occurred after Mr. Kissinger, then the President's assistant for national security affairs, told Mr. Halperin that he was suspected of supplying the information for a newspaper article that day about the secret bombing of Cambodia, the affidavit said.

Denial of Accusation

Mr. Halperin, then a staff member of the National Security Council, which Mr. Kissinger headed, denied the accusation and his superior "indicated that he accepted my assurances," his affidavit said.

But, it continued, Mr. Kissinger told him that others in the Nixon Administration were "suspicious" of the views and loyalty of Mr. Halperin, a Democrat. To protect Mr. Halperin, Mr. Kissinger "would not give me access to any of the more sensitive information regarding national security matters," the document went on.

On May 12, 1969, three days after the Key Biscayne conversation, the Federal Bureau of Investigation installed a tap on Mr. Halperin's home telephone. This was done after Mr. Kissinger forwarded to the Justice Department his name and several others as the first Government officials to be investigated in a program ostensibly aimed to stop such leaks.

Wiretaps on 17 Persons

In all, 13 Government officials, some of them in high State and Defense Department posts, were subjected to the wiretaps, as were four newsmen, including two from The New York Times, who published articles based on leaks.

The tap on Mr. Halperin's telephone, however, remained in force for the full 21 months the operation was in effect despite the understanding that he asserts denied him any of the leaked information about which Mr. Nixon and others have expressed concern.

In a public statement last May, Mr. Nixon declared that he approved the use of wiretaps on Government officials and others after unauthorized

disclosures of "secret information" began to imperil "a number of highly sensitive foreign policy initiatives" he had undertaken.

Secretary Kissinger, who received any information" from conversations from the F.B.I. for the first year of the operation, said at a news conference last May that he "never received any information" from Mr. Halperin's wiretap "that cast any doubt on his loyalty or discretion."

Mr. Halperin said in his affidavit that after May, 1969, apparently as a result of his agreement with Mr. Kissinger, he was given no access to any sensitive foreign policy material, including that related to the Vietnam peace talks, the China and Soviet initiatives, and troop withdrawals from Indo-

China. From the day of the Kissinger conversation, he went on, "my access was limited to information available to hundreds of others in the White House and the executive branch."

He added that, although he had had no detailed knowledge of the Cambodian bombing "a number of other officials had access to the information and, at least according to press reports, were not tapped."

Mr. Halperin, in his lawsuit, contends that the wiretap on his home telephone, in addition to violating Justice Department regulations on national security wiretaps, was initiated for illegal, nonsecurity reasons.