

Halperin Is Granted Access to U.S. Data



MORTON HALPERIN
... political charge

A federal judge yesterday granted Morton Halperin access to all Government documents involved in his wiretap suit against his one-time boss, Secretary of State Henry A. Kissinger, and others.

However, the judge gave government attorneys 10 more days to decide whether they want to claim executive privilege on any of the documents. If such a claim is made, as Justice Department attorneys indicated, further hearings probably will be held to determine if Halperin's attorneys could have access to the documents.

The Justice Department had contended that the tap on Halperin's home phone was made for national security purposes and that the documents should be retained by the court and examined in secret.

Halperin's lawyers contended the tap was made essentially for political reasons.

The suit originates from Halperin's service as an assistant to Kissinger when Kissinger headed the National Security Council staff in the White House before he became Secretary of State.

The tap on Halperin's home telephone was disclosed by then-Acting FBI Director William D. Ruckelshaus in a memorandum submitted in the Pentagon Papers' trial of Daniel Ellsberg.

Kissinger, in May, 1973, took responsibility for wiretaps placed on his aides, saying it was an effort to stem leaks of information.

The next month, Halperin filed suit, alleging that taps of his phone for a period of about 21 months also spanned his new job in the presidential primary campaign of Sen. Edmund S. Muskie (D-Maine).

Halperin seeks damages of

\$100 a day, the limit set by law governing the case, and to expunge all federal files of the information.

Halperin and his lawyers, under the ruling by U.S. District Court Judge John Lewis Smith Jr., will be shown wiretap authorizations, memorandums, justifications, logs and the transcripts and summaries of the conversations.

The public, however, will see only what is authorized by the court for the record.

Also named in the suit are former White House aides H.R. (Bob) Haldeman, White House chief of staff Alexander M. Haig Jr., then a Kissinger assistant, and the C&P Telephone Co.

None but Halperin appeared in court yesterday.