

# Nixon Is Made Defendant In Halperin's Suit on Tap

By JOHN M. CREWDSON

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WASHINGTON, Sept. 30—Former President Richard M. Nixon was named today as a defendant in a civil lawsuit brought by a former National Security Council official whose home telephone was tapped by the Government between 1969 and 1971.

Morton H. Halperin, an aide to Henry A. Kissinger when the wiretap was initiated, charged Mr. Nixon with having participated in illegal electronic surveillance and with having helped to conceal from the Justice Department the record of the operation.

In a letter to the Senate Foreign Relations Committee last July, Mr. Nixon took full responsibility for having authorized the wiretapping effort. Between May, 1969, and February, 1971, it involved 13 Government officials and four newsmen.

"Where supporting evidence was available," he wrote to the committee, "I personally directed the surveillance, including wiretapping, of certain specific individuals." The former President has described the investigation as one intended to find and stop leaks to the press of classified foreign policy and national security information.

#### Previous Lawsuit

Mr. Halperin, his wife and three children, all of whom were overheard during the 21 months their home telephone was monitored by the Federal Bureau of Investigation, previously brought suit against Mr. Kissinger, now the Secretary of State, and eight other present and former Nixon Administration officials.

The plaintiffs are alleging, among other things, that the wiretap, which was not accompanied by a court order, was not justified on national security grounds and was therefore illegal.

Although F.B.I. records subsequently made public show that J. Edgar Hoover, the bureau's late director, considered Mr. Halperin a principal suspect as a source of the leaks that had caused high-level concern, Mr. Kissinger himself has said that the results of the wiretap "never cast any doubt" on his former aide's "loyalty or discretion."

A month after he resigned the Presidency last Aug. 9, Mr. Nixon was granted a full and unconditional pardon by President Ford for any criminal acts he might have committed during his five years and seven months in the White House.

#### Civil Liability

The pardon does not, however, exempt Mr. Nixon from potential civil liability of the sort that Mr. Halperin is alleging.

Walter B. Slocombe, Mr. Halperin's attorney, said that he expected to ask the court for permission to take sworn depositions from all the defendants, including Mr. Nixon, relating to their roles in the wiretap operation.

Mr. Nixon's lawyer, Herbert J. Miller, said today that he could not comment on what response his client might make to an order for a deposition or on how he might respond in general to the charges by Mr. Halperin.

Mr. Halperin is asking for injunction relief and monetary damages, including \$100 for each day the wiretap was in place, the maximum award prescribed by law.

Mr. Nixon has previously been named in a number of other civil suits, some of them filed before he left the White House, including one brought by Anthony Lake, former colleague of Mr. Halperin on the council's staff whose telephone was also tapped.

The wiretaps on Mr. Halperin and Mr. Lake remained in force after both men left the Government and joined the campaign staff of Senator Edmund S. Muskie of Maine while he was considered the front-runner for the Democratic party's 1972 Presidential nomination.

#### Hearings on Kissinger

In July, the Foreign Relations Committee held hearings on Secretary Kissinger's role in the wiretap operation after Mr. Kissinger asked for a resolution of questions he said had been raised in news reports about the "truthfulness and completeness" of his earlier testimony on the matter.

The committee agreed unanimously in August that the Secretary had not misled it during his confirmation hearings a year ago in asserting that he had not "initiated" the wiretaps, but had supplied the names of potential subjects for investigation to the F.B.I.

The transcripts of the panel's hearings, released yesterday, contained some information that may have a particular bearing on Mr. Halperin's lawsuit, however.

In one case, F.B.I. agents told the panel that, although John



Associated Press

Morton H. Halperin

N. Mitchell, then Attorney General, signed an authorization on May 12, 1969, for the wiretap on Mr. Halperin's telephone, the tap was installed May 9.

"Such installation," the Halperin suit alleges, "without any written authorizai authorization of the Attorney General was in violation of the governing rules and regulations of the Justice Department and the F.B.I."2