

# Nixon Denies He Chose Wiretaps

Washington

Former President Nixon said under oath that it was Secretary of State Henry Kissinger who selected the list of persons who were wiretapped without court order early in his presidency.

Mr. Nixon's statement, made in a sworn deposition filed yesterday in U.S. District Court, appears to contradict Kissinger, who has said Mr. Nixon made the initial decision on whose phones would be tapped in an attempt to stop news leaks.

"I of course did not select the names myself because I did not know the individuals," Mr. Nixon said in the deposition taken at his San Clemente home on January 15. "I told Dr. Kissinger that he should inform Mr. Hoover of any names that he considered to be prime suspects." J. Edgar Hoover was then director of the FBI.

"That was Dr. Kissinger's responsibility. It was his responsibility not to control the surveillance program but solely to furnish the information to Mr. Hoover. Mr. Hoover then was to take it from there..." Mr. Nixon said.

The former President also said he never instructed that former White House aide Morton Halperin be wiretapped, in fact had no memory of Halperin's name coming up as the target of surveillance. Kissinger has said Mr. Nixon gave specific approval for a Halperin wiretap.

Kissinger has said that "while Nixon's authorization was in general terms and not limited to specific individuals, my understanding was that he then directed surveillance of Morton Halperin and certain others."

Asked about the Nixon deposition yesterday, Kissinger declined specific comment except to question whether Mr. Nixon disputed taking part in the selection of Halperin as one of those to be tapped.

"First of all, I don't think this is an accurate representation of what either of us said and it is not a matter I propose to discuss as long as it is before the courts," Kissinger said.

Halperin, a former national security aide, was one of 17 persons wiretapped. He and four others are suing Mr. Nixon, Kissinger, other

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White House aides and the Chesapeake and Potomac Telephone Co. for damages up to \$3 million.

By Kissinger's account, Hoover suggested four names, including Halperin, former White House aide Anthony Lake and London Times reporter Henry Brandon, at a White House meeting April 25, 1969.

"It was my understanding that President Nixon directed surveillance of the persons then suggested by Director Hoover," Kissinger said in answering written questions from lawyers for Halperin.

Halperin's lawyers say the wiretaps were illegal. They assert the taps were used to track down national security news leaks, and for political purposes as the 1972 presidential elections approached.

The government has acknowledged that Halperin's home phone was tapped for 21 months from May, 1969, until February, 1971, after he had broken all ties with the Nixon White House.

At a news conference Halperin said when the civil suit comes to trial, probably in late spring, Mr. Nixon and Kissinger will be called as witnesses.

During the 6½-hour deposition, Mr. Nixon repeatedly shunned any responsibility for the specifics of the wiretap program, except to acknowledge giving his general approval. He was occasionally sarcastic and at one point the questioning was halted. "We are getting quarrelsome for no reason at all," Mr. Nixon said then.

He said among the worst news leaks making the wiretaps necessary was disclosure of the secret bombing campaign over Cambodia that had been undertaken to slow the infiltration of North Vietnamese troops into South Vietnam.

Mr. Nixon said that leak "was directly responsible for the deaths of thousands of Americans because it required the discontinuance of a policy that saved American lives."

The former President said he had intended only a brief wiretap program. He disclaimed responsibility for using the taps for political purposes.

Kissinger also has said he spent little time on the wiretap program. He described himself as a senior official concerned about news leaks, but not directly in charge of stopping them.

But an FBI memo included within the Nixon deposition said in September, 1969, that Kissinger "desires all surveillances discontinued except those on Morton Halperin and one other unidentified person." The Halperin tap remained in place.

Associated Press



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**MORTON HALPERIN**  
**He's suing Nixon**