

# Kissinger Testifies He Had A 'Passive' Wiretap Role

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WASHINGTON, May 21—Secretary of State Henry A. Kissinger contended in sworn testimony released today that he played a "substantially passive" role in the wiretapping of 17 Government officials and newsmen, undertaken from 1969 to 1971 purportedly to stem unauthorized disclosures in the press. In a deposition taken March 30 in the civil damage suit brought by Morton H. Halperin, one of those whose home phones were tapped by the Federal Bureau of Investigation, Mr. Kissinger repeated his previous assertion that chief responsibility for the taps lay with former President Richard M. Nixon and J. Edgar Hoover, the late F.B.I. director.

Mr. Nixon, in his own deposition in the Halperin case last January, seemed to suggest that Mr. Kissinger was responsible for supplying the names of the first four people to be tapped, including . . . Mr. Halperin.

But Mr. Kissinger, in an earlier "interrogatory" in the case and again in the deposition, has stressed that Mr. Hoover first supplied the names of Mr. Halperin and the three others.

## Picking the First Four

Mr. Kissinger stated in the earlier "interrogatory" that he believed a White House meeting occurred April 25, 1969, involving himself, Mr. Nixon, Mr. Hoover, and John N. Mitchell, then the Attorney General, to discuss the problem of disclosures to the press.

At that session, he said, "Director Hoover identified four persons as security risks, and suggested that these four be put under surveillance initially." Mr. Halperin, one of the top aides on the National Security Council staff, which Mr. Kissinger then directed, was one of those four.

Mr. Halperin, in a brief session with the press this morning, said that there was no record of such an April 25 meeting taking place and that the evidence showed that Mr. Kissinger had selected the names to be tapped.

Mr. Nixon, in his deposition, said that after a New York Times article appeared May 9, 1969, disclosing secret bombing raids against Cambodia, he told Mr. Kissinger to inform Mr. Hoover of "any names that he

considers to be prime suspects" for the disclosure.

Given the inconsistency between Mr. Nixon's account and Mr. Kissinger's recollection, Mr. Kissinger was asked by Mr. Halperin's lawyer in the deposition if he could still state "affirmatively" that he remembered Mr. Hoover identifying the four possible security risks.

"Yes," Mr. Kissinger replied, "because this was a rather startling piece of information to me. And the context of the discussion was, President Nixon asked him what could be done about the leak problem, and Mr. Hoover replied that the only solution was wiretapping, which had been done extensively, as I remember his words, in the previous Administrations. I have no evidence of that, but this is what he said."

## Program Tied to Nixon

Mr. Kissinger said, "My understanding was that the President ordered the whole program, and that this included the names of the people that Director Hoover had mentioned."

"The understanding with which I emerged from that meeting [on April 25, 1969] was that the whole program was approved, including that the authority was given to Hoover, not to me—the authority was given to Hoover to tap those people that had been mentioned," he said.

Mr. Kissinger said that he believed the tapping was to begin as soon as there was a major "news leak." He said that on May 9, "such a leak occurred and I was asked by the President to call Mr. Hoover to start an investigation and that is what appears to have started the whole process."

Mr. Kissinger said, as he has



Associated Press

Dr. Morton H. Halperin

said before, that Mr. Halperin did excellent work for him and that no evidence had ever been supplied indicating that Mr. Halperin had broken any security rules.

He said that the F.B.I. reports that were forwarded to his office did not contain any evidence of security transgressions, although he said the bureau's interpretation of what was a violation differed from his.

Asked to explain the difference, he said:

"I would think that the F.B.I. would consider comments that were critical of our policy as security information, while I would have considered primarily the use of classified information as constituting security information."

Mr. Kissinger said that because of his "passive" role he did not complain to the bureau but in 1970 he asked to be taken out of the wiretapping program and this was done in May 1970.

Mr. Halperin is suing Mr. Kissinger and others on behalf of himself and his family. Under the Omnibus Crime Control Act of 1968, illegal wiretapping could bring the victim \$100 a day for each day of such activity. His phone was tapped from May 9, 1969, to Feb. 10, 1971.