

Wiretaps Put On Phones of 2 Reporters

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The Nixon administration tapped the telephones of at least two newspaper reporters in 1971 as part of the investigation reportedly ordered by President Nixon into the leaks of the Pentagon Papers to the press, according to two highly placed sources in the executive

branch.

The wiretapping was supervised by Watergate conspirators E. Howard Hunt Jr. and G. Gordon Liddy, who were then working in the White House, and it was authorized by John N. Mitchell while he was Attorney General, one of the sources said.

In this electronic surveillance, according to the source, Hunt and Liddy supervised an independent team, or so-called "vigilante squad," of wiretappers not employed by the FBI—the agency that normally performs legal wiretapping.

That source named two reporters from The New York Times, which published the Pentagon Papers in June, 1971, as being among those whose phones were tapped. Another source confirmed that the telephones of Times' reporters were tapped but could not identify those placed under surveillance.

The legality of such wiretapping is an unsettled question. The Supreme Court last year unanimously rejected Nixon administration claims to the right to conduct electronic surveillance without a court order in so-called "domestic subversion" cases. But the Court left open whether the executive branch has such power in national security cases involving "foreign subversion.

According to The Post's sources, the wiretapping connected with the Pentagon Papers followed ear-

ier White House-ordered wiretaps of other reporters to discover the sources of leaks of information about the Strategic Arms Limitation Talks (SALT) to the news media.

In addition, during the first Nixon administration, the office or home telephones of at least 10 White House staff members also were tapped in the course of investigations into new leaks, the sources said.

In late 1971 or early 1972, it was decided at a Nixon campaign strategy meeting that some members of the same vigilante squad responsible for the Pentagon Papers wiretapping would be used to wiretap the telephones of Democratic presidential candidates, according to one of the sources.

Although the activities of the squad were authorized by then Attorney General Mitchell, the source said, they were more closely supervised by Attorney General

See WATERGATE, A17, Col. 1

General Robert C. Mardian, who later became the political coordinator of the Committee for the Re-election of the President, the source said.

According to the sources, the wiretapping in the Pentagon Papers case began shortly after the Times started publication of the classified, multivolume history of the Vietnam War. The Times had obtained the documents from Daniel Ellsberg, the former Defense Department analyst now on trial in Los Angeles.

In June, 1971, the government moved unsuccessfully in court to permanently halt publication of the Pentagon papers on the grounds of national security.

At the time, a White House team known as "The Plumbers," whose members

included Hunt and Liddy, was attempting to determine how The Times obtained the Papers.

That project, which was under the direction of former presidential special counsel Charles W. Colson and John Ehrlichman, who was until this week President Nixon's principal deputy for domestic affairs, was undertaken on orders from the President, according to a statement given to the FBI last week by Ehrlichman.

According to Ehrlichman's statement, Hunt and Liddy broke into the office of Daniel Ellsberg's psychiatrist, after which Ehrlichman said he told them "not to do it again."

The statement by Ehrlichman, who resigned from his White House job Monday, makes no mention of the wiretapping conducted dur-

ing the Pentagon Papers project.

According to The Post's sources, all records relating to the activities of the vigilante squad that conducted that wiretapping have been destroyed.

Only six to eight people had first-hand knowledge of the squad's activities, according to one source who said the June 17, 1972 arrest at the Watergate set those people "off the edge" with worry that the Watergate break-in would lead to discovery of the earlier wiretapping by the Nixon administration.

The Washington Post reported in February that Hunt and Libby regularly routed information obtained from national security wiretaps for several months in 1971 and 1972.

It could not be learned at that time exactly what wiretap information they received, though presumably the reports from the taps of Times reporters would have gone to Hunt and Libby because they were supervising the operation.

The information from national security wiretaps is among the most closely held and sensitive data collected by the U.S. intelligence community and had been traditionally supervised by the Justice Department Internal Security Division.

The division, which was headed by Mardian during the first Nixon administration, was abolished earlier this year.

Hunt's and Liddy's work as White House "plumbers" was supervised by David Young, a former staff member of the National Security Council. Young resigned from the council staff about three weeks ago without explanation.

Former White House aide Egil Krogh Jr. was in overall charge of the "plumbers." Krogh, 33, presently undersecretary of the Department of Transportation, suddenly took leave yesterday from his post. He has refused to return a reporter's daily telephone calls for the last five days.

On March 12, Time magazine reported that the FBI had tapped the telephones of news reporters, first with the approval of its late director, J. Edgar Hoover, and then by his successor, former acting FBI Director L. Patrick Gray. However, dur-

ing the Senate confirmation hearings that led to the withdrawal of Gray's nomination to be permanent director of the FBI, Gray testified that he had no knowledge of such taps by the FBI.

According to Time's account, the White House asked Hoover to tap the telephones of reporters and White House officials suspected of leaking information about three years ago.

"Hoover balked, and demanded authorization from John Mitchell, then U.S. Attorney General," Time reported. "Mitchell sanctioned the surveillance . . . on grounds of domestic security, which sidestepped the necessity of getting a court order for each tap. The operation started with only one tap, but soon expanded to include surveillance of six or seven reporters, plus an undetermined number of White House aides."

"The wiretapping actually helped keep Hoover on the job until his death last year. . . ." Time reported. "Richard Kleindienst, then deputy attorney general tried to force Hoover to step down, and in 1971 even gave his support to a proposed congressional investigation of the FBI. Enraged, Hoover indicated to Kleindienst that if he was called to testify on Capitol Hill, he might disclose the wiretaps."

The only wiretapping of reporters and White House aides known to The Post's sources was conducted by the vigilante squads of professional wiretappers and ex-CIA and ex-FBI agents—not by the FBI. "They were out of FBI channels," one source stressed.

Asked about the Time magazine report of FBI wiretaps, Gray said at his confirmation hearing:

"When I saw this particular article and checked the records and indices of the Federal Bureau of Investigation, and I am told also that the Department of Justice checked the records of the Internal Security Division of the Department of Justice, and there is no record of any such business here of bugging news reporters and White House people."

Gray also testified: "If these acts were committed, certainly it is a felony, no question about it certainly."