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Leaks and Bugging: An Unlikely Link

A series of administration statements, both on the record and on background, still has not managed adequately to explain the decision to bug "less than 20" government officials and newspapermen, including this writer. Three questions persist:

- What leaks led to the decision to begin bugging?
- What were the criteria for selecting those who would be tapped? and
- What did the administration hope to learn from this electronic eavesdropping?

As with other aspects of this sordid affair, attention to dates is important. President Nixon, in his recent major statement, says that the program "was instituted in mid-1969." Thus the leaks that he and his associates believed justified this operation must have occurred before that time.

Administration spokesmen have had difficulty recalling just what leaks, if any, led to the decision to tap. When the government wiretapping was first revealed on May 10, administration sources told reporters that leaks having to do with the SALT negotiations had led to the decision. However, it quickly became apparent that SALT preparations were barely under way in mid-1969, that no leaks on SALT appeared in the press until 1971, and that the serious SALT leaks occurred in the summer of 1971 after the FBI taps had been removed. The Pentagon Papers were not printed until June of 1971, again months after the last bugs had been taken off following the removal of the tapes from the FBI files in February 1971.

Pressed to come up with a better story, administration officials produced a new list. According to an account by Murray Marder in this newspaper on May 15, "at that initial point in May, 1969, the primary concern is said to have been leaks on administration strategy about Vietnam, the Mideast, and Korea." Only when asked specifically about the Cambodian bombing story did administration officials finally concede that the story reporting the first American bombing attacks on Cambodian soil was a prime factor in the decision to begin electronic surveillance of government officials.

Vietnam, the Mideast, Korea, and Cambodia are the only significant leaks that administration sources have indicated, or that conversations with reporters and other observers reveal. It is worth exploring these four leaks for what they demonstrate about the attitudes of the administration and the nature of the leaking process. When considered in light of what the government was actually doing, the fact that there were only four leaks in early 1969 means that this period was marked by fewer significant leaks than almost any comparable period before or since.

The first leak in early February 1969 related to the initial National Security Council meeting on the Mideast. The news stories noted the options being considered and indicated that the United States was likely to begin pressing for a settlement. There was little or no damage done. The new American position would have, in any event, become visible in the coming weeks as the United States moved to implement the new policy.

The administration nevertheless learned an important lesson about how to control leaks. The preparation for the Mideast NSC meeting had been handled in a routine way, with the papers widely distributed in all of the agencies represented on the National Security Council. Any observer of the leaking process could have predicted that this story would, if circulated to many officials, reach the press. There was no sensitive weapons or intelligence information, the President was involved, and the issue had important domestic political ramifications. Never again would the Nixon White House handle a sensitive matter in routine channels. But with the wide distribution given to these NSC papers, there was no reason to believe that the source of the leaks was a member of the NSC staff.

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The other three leaks all took place in early May of 1969. One concerned the shooting down of an EC-121 intelligence plane by North Korea. Both The New York Times and The Washington Post reported that President Nixon's original inclination was to launch a retaliatory strike but that he had been convinced not to by, among other things, the arguments advanced by Secretary of State William Rogers. It would not be hard to conjecture where that story came from, but the guesswork has been eliminated. Chalmers Roberts, then a reporter for this paper and now retired, writes in his memoirs, "First Rough Draft," that the story came from Rogers' "supporters."

Roberts is less cryptic in revealing the source of another leak, this time relating to Vietnam. On May 14, President Nixon delivered his first Vietnam speech. Reaction was mixed since it was, in the arcane world of Vietnam peace proposals, difficult to determine how "dovish" the speech was. Within a few days, Roberts published a story describing the speech as a major scaling down of American demands and indicating U.S. willingness to accept a coalition government in South Vitenam. The sources, Roberts reveals, were Under Secretary of State Elliot Richardson and Henry Kissinger!

The Cambodian leak, which occurred a week earlier, was, at first glance, more puzzling. The decision to isolate the conflict by launching B-52s against bases in Cambodia was taken by a small group meeting in secret at the White House. Outside of the Pentagon only a handful of people knew. In the military establishment, however, many people were involved. One simply cannot launch a massive military operation without informing large numbers of officers. That plus the operational detail in the story and the fact that it was written by The New York Times Pentagon correspondent William Beecher pointed unmistakably, as I noted to Kissinger at the time, to the military as the source of the leak.

The administration was no doubt initially reluctant to point to the Cambodian bombing leak because it is the wrong kind of story to justify a national security argument. Only the American Congress and people were in the dark; the Cambodians, North Vietnamese, Chinese and Russians knew that B-52s were bombing Cambodia. The story revealed none of the details of White House decision making nor of quiet diplomacy—B-52 bombing is quite noisy.

When discussing the decision to wiretap and conceding that it was the Cambodia leak that promoted the taps, Kissinger put it into context as follows:

. . . The Cambodian bombing disclosure was not an isolated event: It capped a whole series of leaks, including the leaks of detailed discussions of NSC meetings on the Mideast and of other internal discussions.

The concern, according to the President, was with keeping secret the major diplomatic initiatives of his administration. However, if these were in fact underway by mid-1969, it remains a well-kept secret to this day. Indeed, neither before nor after the initiation of the bugging did any information on these matters leak. Kissinger's private negotiations with Le Duc Tho, with Chou En-lai and with Leonid Brezhnev all were well-kept secrets. As Richard Nixon and Henry Kissinger well knew, the only way to keep such matters private was to restrict the information to a very small circle of people, not to tap some telephones.

This brings us to the question of who was tapped. Kissinger has said in his most recent version he simply supplied the FBI with names of those who had access to sensitive information. But the simple truth is that, in May 1969, none of the people thus far identified as being put under surveillance was privy to the preparations then under way for the President's major diplomatic initiatives. If the criterion was simply access, the people tapped in the early spring of 1969 would have been Henry Kissinger, Gen. Alexander Haig and Lawrence Eagleburger, then Kissinger's personal assistant and now one of his deputies. Perhaps they all were bugged; but even so, this rationale would not justify tapping others at the same time.

Since we do not have a full list of those put under surveillance, nor the time sequence of the taps, it is impossible to reach any firm conclusions about the criteria employed by Kissinger, Attorney General John Mitchell and FBI Director J. Edgar Hoover to decide who should be tapped. One cannot escape the suspicion, however, that the main criterion was not degree of access but rather suspicion about individuals' views and their loyalty to Richard Nixon and Henry Kissinger.

Finally, there is the question of what was to be learned by the bugging of home and office phones. Press reports suggest that the rationale, or at least Kissinger's motive for agreeing, was to prove the innocence of those bugged. Some accounts even indicate that some persons were cleared by this process. In the din of patently false statements now emerging from administration spokesman, it is hard to know what one is even supposed to believe. But surely no one can take seriously the notion that all leaking must be done on the telephone and that a man whose telephone conversations are found to be innocuous is clearly not speaking to newspapermen. Surely the FBI, at least, knows that some leaking takes place in face-to-face conversations. The hope certainly was get something on someone. If not leaks of classified information, then at least statements of disloyalty to Kissinger or Nixon. It is doubtful that the objective was to exonerate anyone; certainly the effect could not be.

Amid the welter of information about wrongdoing by administration officials, it is not surprising that some issues might not get the attention they would receive in normal times. But the questions raised by the bugging are too important to ignore. If the administration will not put the full story on the record, then we will be forced, as with other events, to look to the Congress and the courts to demonstrate that the Constitution is still the law of the land and that lying to the people is not as American as apple pie.