

Kissinger Pledges 'Trust'

But Hearing Is Snagged On Wiretaps

By Murrey Marder
Washington Post Staff Writer

Henry A. Kissinger yesterday pledged to act as Secretary of State in "a climate of mutual trust" with Congress, but his confirmation hearing quickly snagged over the disclosure of a wiretapping report.

Sen. J. W. Fulbright (D-Ark.), chairman of the Senate Foreign Relations Committee, said the group will meet in executive session at 9:30 a.m. Monday with Attorney General Elliot L. Richardson to try to overcome the barrier over the disputed report. The public hearing on Kissinger's nomination is scheduled to resume at 10 a.m. Monday.

Kissinger's first public testimony before a congressional committee, therefore, opened paradoxically.

He was lauded by many longtime critics of the Nixon administration or a "brilliant" exposition of what Kissinger called "the urgent need for reconciliation" to restore national cohesion and consensus in the conduct of American policy. Alluding to the Watergate scandals, Kissinger said the nation must shake itself free from the "traumatic events" that sap national confidence.

The wiretapping controversy which sidetracked his hearing yesterday, however, was a product of the Watergate period. The committee was determined to clear the record before proceeding with the expected approval of Kissinger's nomination to be Secretary of State.

Kissinger portrayed himself as the man caught in the middle by the Nixon administration's decision not to release a report on the 1969-1971 wiretapping of 13 government officials, including members of Kissinger's National Security Council staff, plus four newsmen. One of the former NSC staff members reportedly wiretapped was Richard M. Moose, now a member of the Senate Foreign Relations Committee staff, which adds to the committee's sensitivity.

"I think it is clear," said Sen. Clifford P. Case (R-N.J.), "that the committee will not be in a position to act on the (Kissinger) nomination until that report has been received."

Fulbright said he agreed that the problem has to be resolved. At the end of the four-hour session with Kissinger, Fulbright, who said the Justice Department earlier had refused to turn over the report on the 17 wiretapped individuals, telephoned Richardson to arrange the Monday meeting with him.

Despite the controversy over wiretapping, and several other points of disagreement

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KISSINGER, From A1

produced in the inquiry, the hearing was never acrimonious.

Kissinger, appearing tanned and serious, was relaxed, enjoying the encomiums heaped upon him for his past accomplishments and the hope, expressed by Fulbright and other members, that his appointment as Secretary of State will open a new era of cooperation with Congress in shaping foreign policy.

Kissinger was told by Sen. George McGovern (D-S.D.) that "a crisis of confidence in the truthfulness of our leaders" exists in the nation. Sen. Frank Church (D-Idaho) told him that many Americans are convinced that "we are living through a period of constitutional crisis" over "the use of excessive executive power."

In a six-page opening statement, Kissinger adroitly headed off some of the questions by pledging "to work out procedures for enabling the committee to share more fully in the design of our foreign policy."

Kissinger said: "We will seek to maintain a climate of mutual trust so that arguments can center on methods, not motives. We hope that this restraint will be mutual. In this manner, our foreign policy debate can avoid the extremes of civil war and sterile accord for its own sake."

Kissinger defended the use of wiretaps in the 1969-71 period, but said he was not responsible for instituting the practice.

"There were no personal issues involved at all," Kissinger said. "It was a very difficult and painful thing."

Kissinger said, as President Nixon has related, that soon after the Nixon administration came into office in 1969 it was "confronted with leaks to the press of documents which were considered of the greatest importance to the national security."

In May, 1969, Kissinger said, President Nixon conferred with his new Attorney General, John N. Mitchell, and with FBI Director J. Edgar Hoover, and was told that "the most effective way" to stop leaks was to use wiretaps. The President was told that "this procedure met the legal requirements," Kissinger said, and that it had been used by previous administrations.

"At the time," Kissinger said, I had been in the government four months. I must say that it did not occur to me to question the judgment of these two individuals."

Kissinger repeated, as he previously has said publicly, that the handling of wiretapping reports was conducted between his deputy, then-Gen. Alexander M. Haig Jr, and the FBI.

"I saw very few of these reports myself," he said. In the summer of 1970, Kissinger said, it was decided to separate out "internal aspects of national security," and the reports began going to the office of H.R. (Bob) Haldeman, then White House chief of staff.

"From then on," said Kissinger, "my office was not involved."

When Fulbright asked if the sources of the leaks were discovered, Kissinger replied, "I prefer not to go into individual cases. There were cases in which the sources of some leaks were discovered and corrective action taken."

Fulbright said one question involved is whether Moose was wiretapped after the staff joined the Senate committee.

"I would doubt it very seriously," Kissinger answered.

Wiretapping, said Fulbright, "is not in accord with our traditions." He sought assurance from Kissinger that the practice will end. Kissinger replied that subsequent court decisions have placed more drastic restrictions on the use of wiretaps, but that he is not the official to deal with all the legal implications. Kissinger said that on Wednesday Attorney General Richardson sent over to him a copy of the report on the 17 persons wiretapped, which Kissinger "leaked through" and sent back to Fulbright.

Fulbright said that what the committee seeks is not the FBI's "raw files," but the summary report on the procedure. Kissinger also was questioned about his former staff member, David Young, who later joined the White House "plumbers" group and was among those indicted this week in Los Angeles in the 1971 break-in of the office of Daniel Ellsberg's psychiatrist. Kissinger, as he has said publicly earlier, denied any knowledge of the "plumbers" activities.

Kissinger also was questioned at some length yesterday about the secret B-52 bombing of Cambodia in 1969-70, about which Sen. Stuart Symington (D-Mo.) said yesterday that the Senate's Foreign Relations and Armed Services committees were "consistently deceived."

Although that decision was not his to make, but the President's, Kissinger said, "I was in agreement with the policy,"

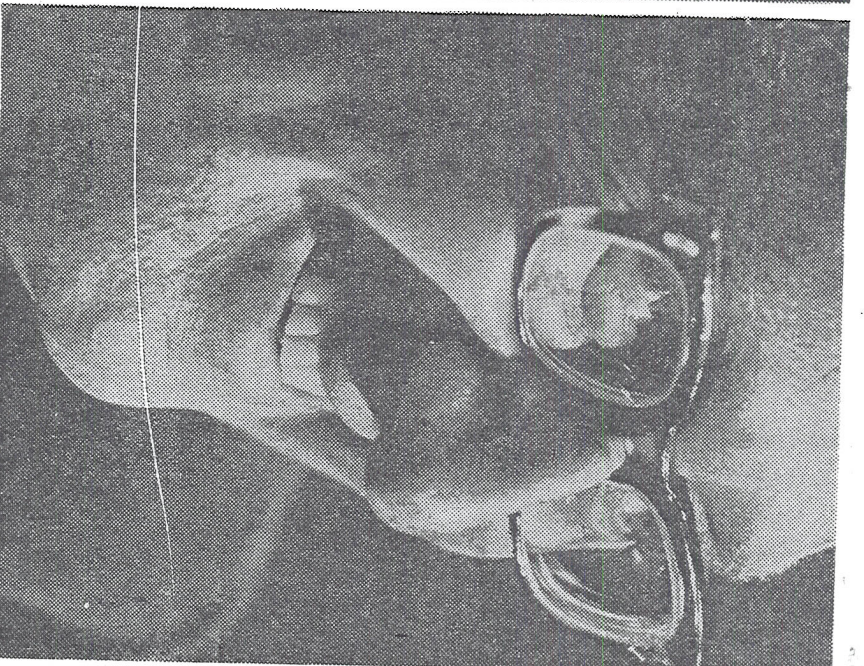
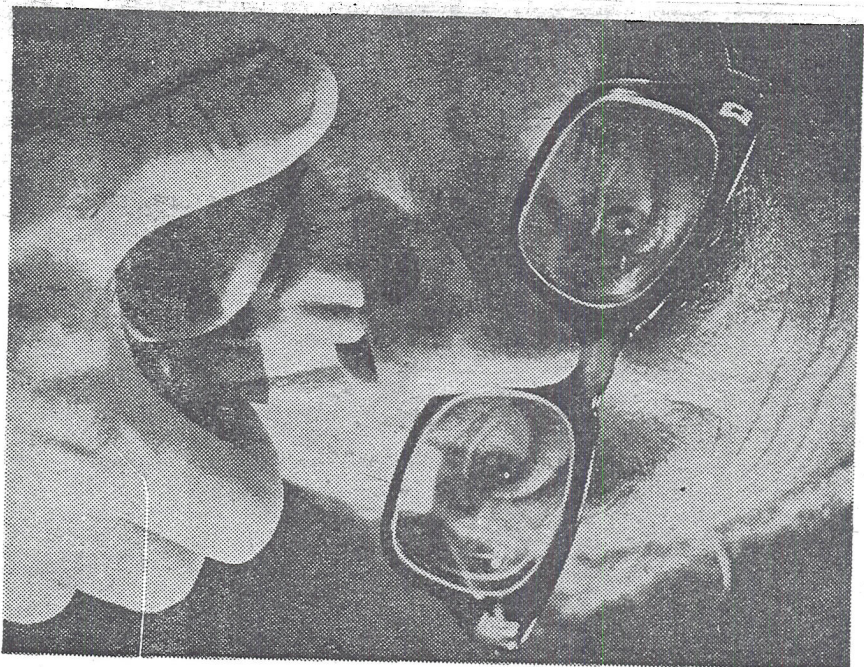
which he said was unanimously approved by the National Security Council. At the time, Kissinger said, a "massive Communist offensive" was inflicting 1,300 casualties a month, with North Vietnamese troops operating out of sanctuaries across the border of Cambodia.

Kissinger said there were two problems involved, "double-bookkeeping and the cover story." He said the NSC approved the cover story that created the belief that the bombings were taking place in South Vietnam, but that "we never had any knowledge" that Pentagon statistics supplied to Congress listed the bombs as having been dropped in South Vietnam.

He also was challenged to justify his public statement of Oct. 26, 1972, that "peace is at hand" in the Vietnam war, just before the U.S. presidential election, when it was not until Jan. 25, 1973 that the Vietnam cease-fire accord was signed in Paris, after a massive intervening bombing of North Vietnam.

"My primary concern was to salvage the negotiation," Kissinger said. "My press conference . . . was entirely addressed to a foreign audience," to "convey to both Vietnam parties that we intended to stick to the main lines of the agreement."

"I believe it was a tactical mistake" from subsequent developments, he said, in a rare admission of error. His stated plan to produce an agreement in "one more session," he said, "put us in a strait jacket, producing 'stonewalling' on the Communist side, and then the United States launched the B-52 bombing to break the stalemate."



Secretary of State-designate Henry A. Kissinger during his Senate confirmation hearing yesterday.

By James K. W. Atherton—The Washington Post

Kissinger, in his opening statement, said that although the Nixon administration disagreed with Congress on halting U.S. B-52 bombing support in Cambodia on Aug. 15, "it will not try to circumvent" that decision.

Senator Church said with a smile that if Kissinger had given "an opposite answer, I could not support your confirmation."

Kissinger firmly expressed disagreement, however, with another widespread congressional position. This is the overwhelming opposition in the Senate and House to

granting most-favored-nation trade treatment to the Soviet Union as long as it places any curbs on the emigration of Jews or others seeking to leave that country.

To grant the trade benefits to the Soviet Union, Kissinger said, is "an essential part of the policy of relaxation of tensions that we have pursued."

Sen. Jacob K. Javits (R-N.Y.) said, "Many of us are concerned about the fundamental denial of human rights in the Soviet Union." Kissinger replied that as an individual, he, too, has

been deeply moved by the appeals for intellectual freedom in the Soviet Union by such eminent Russians as physicist Andrei Sakharov.

As Secretary of State, Kissinger would be the first person of Jewish origin to hold that office. That factor was an unspoken element in discussion yesterday on the Jewish emigration and academic freedom issues in the Soviet Union. Kissinger has stated publicly that his heritage will not influence his policy decisions.

If the United States adopts the proposition that it should try to "transform . . . the do-

mestic structure" of nations it deals with, Kissinger said, "we will find ourselves massively involved in every country in the world." He said "our entire foreign policy" cannot be "dependent upon the domestic structure of the Soviet Union."

Kissinger said the Soviet Union has agreed to suspension of the exit tax on Jewish emigrants, and as "painting" or "emotional" as the problem is, he believes the United States must proceed with its pledge to grant the equal trade treatment benefits to the Soviet Union.