

Wiretap Issue

Senators May Delay Kissinger Confirmation

Washington

Henry A. Kissinger pledged yesterday a new era of amity and cooperation with Congress if the Senate confirms him as secretary of state.

But his nomination to the Cabinet post was threatened with delay because of a controversy over the wiretapping of 17 persons, 13 of them government officials, including some Kissinger aides.

In his first public appearance before a congressional committee since he became President Nixon's chief foreign policy adviser 4½ years ago, Kissinger appeared uncomfortable over the wiretapping discussion.

He told the Senate Foreign Relations Committee in the first day of hearings on his nomination as secretary of state that the telephone tapping was "a very painful process."

But he defended it on the ground that it was "believed necessary for the protection of national security."

DELAY

The threat of a delay in action on Kissinger's nomination was raised by Senator J. William Fulbright (Dem-Ark.), the committee chairman, and Senator Clifford P. Case (Rep-N.J.), the committee's second-ranking minority member.

Fulbright complained that the Department of Justice had rejected a committee request to examine an FBI summary report on the 17 wiretaps, which occurred between 1969 and 1971.

Four of those whose phones were tapped were newsmen.

"The committee should be shown this summary," Fulbright said, suggesting that obtaining it could be a test

of the "climate of mutual trust" that Kissinger promised in his six-page opening statement.

REPLY

Kissinger replied that it was not customary to make FBI reports public and said doing so "would involve a

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matter of fairness" to the 17 who were tapped.

His remarks angered Case, who said "The committee will not be a position to act on the nomination until that report is received."

Fulbright nodded in agreement but two other committee members, Senator Hugh Scott (Rep-Pa.), the Senate minority leader, and Senator Charles H. Percy (Rep-Ill.), sided with Kissinger. They said release of the FBI report to the committee could affect the "civil liberties" of the 17 persons involved.

Fulbright retorted that their civil liberties had been "compromised already" by the wiretaps.

CLOSED

In an effort to resolve the dispute, Fulbright scheduled a closed meeting of the committee Monday morning with Attorney General Elliot L. Richardson, at which time a compromise is expected to emerge.

Following Monday's closed meeting, the committee will resume public questioning of Kissinger. Despite the wiretapping dispute and

repeatedly sharp questioning of Kissinger yesterday, there seems little doubt that he will be confirmed, though probably not as soon as President Nixon desires.

At his press conference on Wednesday, the President urged speedy confirmation so that Kissinger can leave on a delayed trip to Peking.

Asked yesterday about the China trip, Kissinger said there was "an agreement in principle" but that a date for it would not be set until he is confirmed.

RECONCILIATION

Unlike the President, who was sharply critical of Congress at his press conference, Kissinger went before the Senate committee proclaiming an "urgent need for reconciliation."

Testifying in the Senate's marble-walled Caucus Room, which has been temporarily vacated by the Senate Watergate committee, Kissinger said it will be administration policy to make

foreign policy "more accessible to the scrutiny and views of the Congress."

His words were welcomed by members of the committee, which has been a bastion of opposition since 1965 to the Indochina war policies of two administrations and which has felt it has been slighted in the formulation of crucial foreign policy decisions.

Seeking to persuade the committee that a new era is dawning, Kissinger said:

"We shall work to shape a broad consensus on our national goals and to confine differences to tactical issues. When our views differ, we shall strive not to press the debate to a point that tears the overall fabric of the national consensus.

"We will seek to maintain a climate of mutual trust so that arguments can center on methods, not motives. We hope 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."

AVAILABILITY

Kissinger also sought to allay committee apprehensions about his availability for testimony because he will be retaining his old role as national security adviser to the President in addition to being secretary of state.

As a White House aide, Kissinger was barred by the President on grounds of executive privilege from testifying before the congressional committees, although he frequently met informally with members of Fulbright's committee.

But as secretary of state, Kissinger pledged, "I shall be prepared to testify formally on all my activities."

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