

'69 Phone Taps Reported On Newsmen at 3 Papers

*The Times, Washington Post and Sunday
Times of London Named—Security
Council Member Also Monitored*

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WASHINGTON, May 10 —

The Nixon Administration, over a two-year period beginning in 1969, ordered the placing of wiretaps on telephones used by reporters for at least three newspapers, according to sources familiar with the operation.

These sources also said that taps had been placed on telephones of Government officials suspected of "leaking" to the reporters information believed damaging to national security.

According to the sources, the taps were first installed a few months after President Nixon took office in January of 1969 and at different times involved reporters for The New York Times, The Washington Post and The Sunday Times of London.

A telephone at the Washington residence of Dr. Morton Halperin, a member of the staff of the National Security Council until September, 1971, was placed under surveillance at some time during the same period according to information made public today at the Pentagon papers trial in Los Angeles.

Dozen Taps Installed

The sources said today that during the two-year period about a dozen such wiretaps were installed, but one source noted that "no more than three or four" were in operation at any one time.

The sources said that three of the reporters placed under surveillance were William Beecher and Hedrick Smith, both of The New York Times, and Henry Brandon, a correspondent for The Sunday Times of London who is based in Washington.

It is not known which reporters for The Washington Post were subjected to the surveillance, or which government officials besides Dr. Halperin were involved.

Because records of the wiretaps have disappeared from the files of the Federal Bureau of Investigation, it was unclear, except in the case of Dr. Halperin, whether the taps were placed on home or office telephones. Nor was it known how long they were in effect or what was overheard.

One source said, however, that an unidentified newsman who was placed under surveillance was "known to be in contact with the Viet Cong," and that one of the Government officials whose line was tapped — not Dr. Halperin — had concerned his superiors by "being damn talkative on subjects he shouldn't have."

According to the sources, the wiretap effort was begun after the Nixon Administration became concerned over "leaks" of sensitive or classified information to the press, particularly with regard to the Strategic Arms Limitation Talks, which opened formally in Nov., 1969.

Both Mr. Beecher, who has since left The Times to take a Defense Department post, and Mr. Smith wrote extensively on the talks. Mr. Brandon recalled today that he had written an article on that subject in May of 1971 that had "a good deal of exclusive information in it and may well have aroused their attention."

The Justice Department sent a memorandum yesterday to Judge William M. Byrne Jr., the judge in the Pentagon papers trial, disclosing that Dr. Daniel Ellsberg, one of the defendants, had been overheard in late 1969 or early 1970 while talking on Dr. Halperin's telephone.

The tap on the Halperin family's telephone, sources emphasized, was unrelated to any aspect of the Pentagon papers case.

Request by Mitchell

provided by the sources, John N. Mitchell, who was then the Attorney General, called J. Edgar Hoover, director of the F.B.I., in the spring or summer of 1969 with a request that the wiretaps be installed.

Mr. Hoover reportedly refused, saying that he wanted written authorization from Mr. Mitchell, who subsequently sent the late F.B.I. chief an unspecified number of signed forms used to request so-called "national security" wiretaps.

Until last year, such wiretaps did not require a court order, but only the approval of the Attorney General. However, the Supreme Court ruled last June that court orders were needed before the Government could install wiretaps in national security cases except where the individuals involved had foreign connections.

Under normal procedures, the sources said, the wiretap requests would have been signed first by Mr. Hoover, then forwarded to the Attorney General's office for his signature. But the documents in question, they said, never bore Mr. Hoover's signature.

In 1971, the sources said, the authorization forms became the focus of a conflict between the F.B.I. and the Justice Department, and within the F.B.I. itself—a conflict that ended with their disappearance.

According to the sources' account, Mr. Mitchell and Richard

G. Kleindienst, then the deputy attorney general, for reasons that are unclear, suggested to Mr. Hoover that a Congressional Committee should be allowed to undertake an investigation of his bureau.

Mr. Hoover, one source recalled, felt that such an inquiry would be "highly undesirable from the bureau's standpoint," and told Mr. Mitchell and Mr. Kleindienst that, if such an investigation were to take place, "he [Mr. Hoover] might be asked to talk about the [national security] installations."

Mr. Kleindienst, the sources said, "felt that Hoover was putting a little pressure on Mitchell to avoid the Senate investigation." In the late summer of 1971, Robert C. Mardian, then an assistant attorney general in charge of the Justice Department's Internal Security Division was directed to retrieve the forms.

In late September, 1971, Mr. Mardian went to William C. Sullivan, at the time an assistant director of the F.B.I., asked for the forms, and received them from Mr. Sullivan. Associates of Mr. Hoover said today that the director was "extremely angry with Mr. Sullivan" upon discovering, after an in-house investigation, that he had returned them to the Justice Department.

Mr. Mitchell, Mr. Kleindienst and Mr. Mardian could not be reached for comment.

Mr. Kleindienst, who will leave the Justice Department at such time as Attorney General-designate Elliot L. Richardson is confirmed, has previously denied all knowledge of the wiretaps, and has said he was given Mr. Mitchell's assurance that he, too, had not known of them.

William D. Ruckelshaus, the acting F.B.I. director, has ordered an investigation of the 1969-1971 wiretap operation, but it has not yet been determined where the records are, or if they still exist.

Mr. Sullivan retired from the F.B.I. on Oct. 2, 1971, a few days after he passed the documents to Mr. Mardian. One source said today that Mr. Sullivan's action had "brought to a head" a personal and professional conflict that had existed between Mr. Sullivan and Mr. Hoover for some time, and it resulted in Mr. Sullivan's forced retirement.

There were reports when Mr. Sullivan retired that he had returned from a vacation to discover that his name had been removed from his office door and the locks on it had been changed.

Animosity is Cited

Associates of Mr. Sullivan, however, say that the Mardian incident played little, if any, part in his retirement. They cite the animosity between the two men based primarily on Mr. Sullivan's publicly expressed belief that Mr. Hoover had over-emphasized the Communist party as a threat to the nation's internal security.

One source, asked why Mr. Sullivan had handed the materials over without informing Mr. Hoover, replied that "Sullivan was making a bid to unseat the director, or at least to bet the job if Hoover retired or something happened to him."

The source added, "Mardian was a very powerful advocate to have in your corner."

But Mr. Sullivan's associates characterized his action as simply complying with what he saw as a legitimate request from Mr. Mitchell.

"The Attorney General is the head man in the department," said one friend. "He's over Hoover, although Hoover never recognized that."

One source said today that he believed that all 12 or so wiretaps were "dead" as early as May of 1971, but another expressed uncertainty about when they were removed.

Another recalled, however, that an article by Mr. Beecher, on the arms limitation negotiations, published in The Times on July 23, 1971, was a source of "grave concern" to the Nixon Administration.

The White House and the State Department feared, the source said, that the Beecher article might have disclosed certain American strategies behind this country's proposals at the talks, including a willingness to retreat from its initial positions on some questions if they met with resistance.

Other sources have discounted the import of the Beecher article but noted that Soviet negotiators were said to have protested strongly to senior American officials following publication of the article, on grounds that the American press was not the proper forum for the discussion of such questions.

One source acknowledged that, in an effort to stem this and other leaks, taps were authorized for a number of Government officials, possibly including some at the White House. But the source pointed out that, more often than not, "the taps cleared more people than they implicated."