

Ruckelshaus Statement on Wiretaps

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WASHINGTON, May 14—
Following is a statement of William D. Ruckelshaus, acting director of the Federal Bureau of Investigation on the results of an inquiry about missing records relating to electronic surveillance on certain individuals:

Shortly after assuming this job, my attention was drawn to several newspaper and periodical accounts of electronic surveillances—wiretaps—having been placed on telephones of Government employes and newsmen in an effort to stem the leaks of information related to highly sensitive foreign policy issues. Upon inquiry, I was informed by F.B.I. employes that these surveillances had been performed and that the records relating to them were missing from the F.B.I. files. Also the question had been raised in the Ellsberg trial whether information from these alleged taps had been used by the prosecution in any way and thus tainted the evidence.

As a result of this information, I immediately ordered an investigation into the facts surrounding the taps and the missing records. This investigation was started Friday, May 4, 1973, and was conducted under my personal supervision by highly skilled F.B.I. personnel at headquarters. Forty-two separate interviews were conducted, all by headquarters personnel, and included travel to Phoenix, Ariz.; Tampa, Fla.; Savannah, Ga.; New York City, and Stamford, Conn.

The investigation revealed that from May, 1969, to February, 1971, based on consultations between the director of the F.B.I. and the White House, certain wiretaps were instituted in an effort to pinpoint responsibility for leaks of highly sensitive and classified information, which, in the opinion of those charged with conducting our foreign policy, were compromising the nation's effectiveness in negotiations and other dealings with foreign powers.

Length of Taps Varied

There was a total of 17 wiretaps placed for this purpose. Four were placed on newsmen as the potential recipients of leaks and 13 on Government employes as the potential sources. The taps

were on for varying lengths of time during the period in question; two for as little as 30 days and one for as long as 21 months.

These requests were handled in the same way as other requests involving national security for a number of years and in prior Administrations. When a Government agency or the White House requests surveillance, the request is studied by the senior officials of the F.B.I., and if the director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences, summaries are prepared from the logs, which are transmitted to the interested agency, or as in this case, the White House.

Because of the sensitivity of these particular surveillances, the records were very closely held; first in the director's office and then on the director's orders under the custody of Mr. W. C. Sullivan, who was an assistant to the director.

Transterral Recommended

The investigation indicates that sometime in the summer of 1971, after the taps were all taken off, Mr. Sullivan contacted Mr. Robert Mardian, who was then Assistant Attorney General in charge of the Internal Security Division, and informed him of the nature of these records and recommended that they be transferred to the White House.

According to Mr. Mardian, the recommendation was made on the claim by Mr. Sullivan that Mr. [J. Edgar] Hoover might use the records in some manner against the Attorney General of the President. Mr. Sullivan does not affirm Mr. Mardian's claim. There is certainly no proof that Mr. Hoover had such intention but the charge had its desired effect. According to Mr. Mardian, he informed Mr. [John] Mitchell [then Attorney General], who in turn informed the White House. The records were taken from the files by Mr. Sullivan, who ordered them given to Mr. Mardian, who delivered them to the White House.

When the F.B.I. discovered the records were missing

Upon Mr. Sullivan's retirement in the fall of 1971, it commenced an inquiry which ended when Mr. Hoover was informed by Dr. Mitchell that the records had been destroyed. It should be noted that Mr. Mitchell has denied making such a statement to Mr. Hoover. This conflict cannot be resolved because of Mr. Hoover's death. Mr. Mitchell, however, confirmed that the records were moved to the White House.

Records Are Located

In any event, the F.B.I. accepted the premise that the records had been destroyed, and when I assumed my present position, I also had no reason to believe that the records were still intact. It was not until last Thursday night that our investigation revealed, during an interview with Mr. Mardian in Phoenix, that the records possibly still existed and might be in the White House.

The next day the records were located in the White House having been filed in a safe in Mr. John D. Ehrlichman's outer office.

Unfortunately, the records were not located in time to respond to Judge [William Matthew] Byrne's inquiries about the potential taint of evidence in the Ellsberg trial. The interceptions of Ellsberg's conversations all occurred when he was either a guest of Morton Halperin, [former employe of the] National Security Council, or conversing with him. It was one of these conversations of Mr. Ellsberg which I had informed the judge on Wednesday, May 9, 1973, had been remembered by one of our employes, who had monitored the tape. Of course, whether the location of the records would have had any effect on the judge's decision is not for me to say.

On Saturday, an F.B.I. agent and I went to the White House, identified and retrieved the records. They now rest in the F.B.I. files.

The investigation was conducted with skill, speed and effectiveness by the F.B.I. and resulted in the full retrieval of the records. I believe it is in the public interest to reveal these facts so that this story can be put in proper perspective.