

RUCKELSHAUS SAYS F.B.I. TAP FILE,
INCLUDING THE DATA ON ELLSBERG,
WAS FOUND IN UNRELATED CASE

WEEK-LONG HUNT

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Judge in Papers Trial Ended Case in Part Over Lost Material

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WASHINGTON, May 14—The acting director of the Federal Bureau of Investigation said today that records of 17 wiretaps placed on newsmen and Government officials were discovered last week in a White House safe belonging to John D. Ehrlichman, one of the Presidential assistants who resigned over the Watergate scandal.

The wiretaps included one in which Dr. Daniel Ellsberg was

*Text of Ruckelshaus statement
is printed on Page 22.*

overheard, William D. Ruckelshaus, the F.B.I. chief, said.

The documents, compiled during a 21-month effort to halt disclosures of secret information to the press, were found Friday after a week-long search. F.B.I. agents found the files about an hour after the charges against Dr. Ellsberg, a defendant in the Pentagon papers trial, were dismissed by a Federal judge in Los Angeles, Mr. Ruckelshaus said.

In clearing Dr. Ellsberg and Anthony J. Russo Jr., his co-defendant, Judge William Matthew Byrne Jr. said that the Justice Department's inability to furnish him the wiretap records, which he had requested, was "of greatest significance."

In other developments today involving the Watergate affair:

Elliot L. Richardson, the Attorney General-designate, disclosed that two White House aides had suggested candidates for the position of special prosecutor in the Watergate case.

Jeb Stuart Magruder, who was deputy campaign manager for President Nixon, said that the President was actively involved in campaign planning until a month after the Watergate break-in last June.

Henry A. Kissinger, the President's foreign affairs ad-

viser, said that he had seen summaries from wiretaps placed in 1969 and 1970 but that he had not asked for the taps and had not specifically approved them in advance.

Conversation Cited

At a news conference today, Mr. Ruckelshaus said that the wiretap operation had grown out of a conversation in the spring of 1969 between Mr. Kissinger and J. Edgar Hoover, the late F.B.I. director.

Mr. Ruckelshaus declined to identify 16 of the 17 individuals subjected to the "national security" wiretaps between May, 1969, and February, 1971, on the ground that "the potential harm to be done by the release of these names outweighs the good that may be done."

The Justice Department said last week that one of the Government officials under surveillance as a suspected source of secret information had been Morton Halperin, a former employe of the National Security Council, which Mr. Kissinger heads.

It was in late 1969 and early 1970, while Dr. Ellsberg was talking with Mr. Halperin, or over the Halperin telephone while a guest in the Halperin house, that his conversations were intercepted, Mr. Ruckelshaus said.

Mr. Ehrlichman, who resigned April 30 as Mr. Nixon's assist-

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ant for domestic affairs, declined to comment today on why he had not revealed the whereabouts of the wiretap records earlier. He was interviewed by reporters outside a Federal grand jury chamber where he had been summoned in connection with the Watergate case.

Mr. Ruckelshaus said that he had ordered an investigation into the wiretapping, which he called "perfectly legal," on May 4, after reading reports of the operation in the press.

The records, which included signed authorizations for the wiretaps and transcripts of recorded conversations, were taken from the F.B.I.'s files in September, 1971, Mr. Ruckelshaus said, and "the F.B.I. accepted the premise that [they] had been destroyed."

Until last Thursday, he said, he had "no reason to believe that the records were still intact." But then an F.B.I. inter-

view with Robert C. Mardian, a former Assistant Attorney General in charge of the Internal Security Division, indicated that "the records possibly still existed and might be in the White House."

It was on Thursday that Judge Byrne demanded that the Justice Department disclose the duration of the wiretap on Mr.

Halperin's telephone, the number of times that Dr. Ellsberg was overheard, and other information contained in the records, which were then in Mr. Ehrlichman's safe.

Mr. Ruckelshaus said today that the names of the reporters and Administration officials placed under surveillance "were supplied through a number of avenues, including the White House and the F.B.I., and that "one or two" were suggested by John N. Mitchell, the Attorney General at the time.

Two of the wiretaps remained in effect for as short a time as 30 days, he said, and one for as long as 21 months, and all were authorized by Mr. Mitchell under rules, then in effect, requiring only the Attorney General's approval for wiretaps related to national security matters.

Sources familiar with the operation said last week that the four reporters placed under surveillance included two employed by The New York Times, one by The Washington Post and one by The Sunday Times of London.

Arms Talks Involved

But other sources indicated today that a Post reporter was not involved. The three other reporters, William Beecher and Hedrick Smith of the Times and Henry Brandon of The Sunday Times, all wrote articles on the Strategic Arms Limitation Talks that included secret or sensitive information.

Mr. Ruckelshaus said today that the F.B.I. investigation had shown that, sometime after the wiretaps were removed in February, 1971, the records were placed in the custody of William C. Sullivan, at the time an assistant to Mr. Hoover.

In the summer of that year, he went on, Mr. Sullivan got in touch with Mr. Mardian, "informed him of the nature of these records, and recommended that they be transferred to the White House."

In his F.B.I. interview, Mr. Mardian recalled that Mr. Sullivan had suggested that Mr. Hoover "might use the records in some manner against the Attorney General or the President," according to Mr. Ruckelshaus.

Mr. Ruckelshaus noted that "Mr. Sullivan does not affirm Mr. Mardian's claim." Associates of Mr. Sullivan have said that he was approached in late September, 1971, by Mr. Mar-

dian, who told him that he had been authorized by Mr. Mitchell to retrieve the records. Mr. Sullivan could not be reached for comment.

'A Logical Reason'

In response to a question as to why Mr. Sullivan would have turned the records over, Mr. Ruckelshaus said that there had been "certain rumors" to the effect that Mr. Hoover was at the time in danger of losing his job, presumably by being forced to retire.

"That would account to some extent as to why those files were moved to the White House," he said. "It certainly is a logical reason."

Mr. Mardian delivered the records directly to Mr. Ehrlichman at the White House, Mr. Ruckelshaus said.

He added that two pieces of F.B.I. correspondence had been found that bore notations in Mr. Hoover's own handwriting indicating that he had been told by Mr. Mitchell that the records had subsequently been destroyed.

Mitchell Denial Cited

Mr. Hoover's internal inquiry into the disappearing records, began in early October, 1971, and ended when these notations were made, Mr. Ruckelshaus said, adding:

"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."

Attorney General Richard G. Kleindienst, in a statement issued last Feb. 16, said he had received "the strongest person-

al assurances from Mr. Mitchell that he never authorized or was asked to authorize" the use of wiretaps against newsmen or White House aides.

Mr. Kleindienst also denied at that time, as he has recently, any knowledge of the wiretapping operation. A Justice Department source said today he was "convinced that Kleindienst had nothing to do with it," but that there "seems to be a contradiction" with respect to his affirmation regarding Mr. Mitchell.

An F.B.I. spokesman said that Mr. Ruckelshaus was looking into "all possible violations of law" with respect to the removal of the wiretap records to the White House. He said there was no immediate indication of any wrongdoing on Mr. Ehrlichman's part, but that the possibility that Mr. Sullivan might have acted illegally was being looked into.

Asked why the records had been given to Mr. Ehrlichman, Mr. Ruckelshaus said he assumed that "Mr. Ehrlichman was simply the custodian of those files while they were in the White House, and that his reason was the same as anyone else in the White House for having the files."

Some Taps Continue

He said that, "as best I can

recollect," there had been no new wiretaps placed on newsmen since February of 1971, although "there are and were some on Administration officials."

Asked whether any leaks had been discovered or sources identified by the operation, he replied that he had not yet read all of the files involved, but had uncovered "considerable evidence" that "some of the people in very sensitive positions were giving vent to their opinions rather regularly and rather openly."

L. Patrick Gray 3d, Mr. Ruckelshaus's predecessor, denied during the hearings on his nomination to become permanent F.B.I. director that the bureau had ever been involved in tapping the telephones of newsmen or Government officials.

Mr. Ruckelshaus said today, however, that there was "some indication in the record that he [Mr. Gray] might have known" of the operation's existence, but added, "you better ask him."

In a related matter, Mr. Ruckelshaus conceded that there was a "possibility" that papers in the White House files of Mr. Ehrlichman, H. R. Halderman, the former chief of staff, and John W. Dean 3d, the President's former counsel, might have been removed despite an F.B.I. guard placed on the files.

Mr. Ehrlichman and Mr. Halderman both left the Nixon Administration on April 30, and Mr. Dean was discharged the same day.

In response to a question, Mr. Ruckelshaus said there had been "some misunderstanding on the part of the F.B.I. agents" sent to guard the files "as to what their precise function was," and that they had not attempted to inventory papers in the files belonging to the three men, or to log the movement of individual papers into and out of the White House.

But he said, ironically, that the safeguarding procedure, eventually turned over to the Secret Service for implementation, had worked so well on Saturday that "we practically had to arm-wrestle the Secret Service to get them [the wire-tap records] out of there [the White House]."