

A Dark Atmosphere

By Tom Wicker

IN THE NATION

It may have been "legal" at the time it was started, but it was a dirty and indefensible business, nevertheless, for President Nixon and Henry Kissinger to eavesdrop and spy on Mr. Kissinger's associates on the National Security Council staff. At that, it was so dubiously "legal" that the Supreme Court, with Nixon appointees Burger, Blackmun, Rehnquist and Powell sitting, has since struck down the claim of the Nixon Administration to have the unchecked right to tap and bug anyone or any group it suspected of threatening whatever it considered to be the national security.

That the Court did so (in 1972, in *U.S. v. U.S. District Court*) raises particularly distasteful questions about the tapping of Helmut Sonnenfeldt, one of Mr. Kissinger's most trusted associates and one of the most respected men in Washington.

The Sonnenfeldt tap was not authorized by any Federal court. But when the Supreme Court ruled out tapping without a court order in cases of suspected domestic threats to national security, the only unauthorized tapping thereafter permitted to the executive branch was in cases where there was a suspected foreign intelligence link. Therefore, either it was suspected that Mr. Sonnenfeldt was not just leaking to the press but informing foreign powers, or else the tap on his phone was illegal and an evasion of the Supreme Court ruling. Either way, it was obscene.

There is no acceptable explanation even of the beginnings of this sordid White House practice of spying on its own employes and on reputable news reporters (which is not being denied but defended, except that Mr. Kissinger has denied ordering any wiretaps). Amply confirmed reports say that when news stories told of the bombing of Cambodia in 1969, a concentrated White House effort was begun to stop such "leaks," with the full knowledge of the President and Mr. Kissinger.

The implications of that take a while to sink in. In the first place, it suggests that at such high levels it was believed possible to keep secret something as important and as visible and as dangerous as the lethal bombing of a country with which this nation was not at war. In the second place, it was thought at the same levels proper to keep such a vital matter secret, although its possible ramifications—a much wider and more costly conflict, for example—are obvious. Nothing could more certainly demonstrate the imperial mentality which had come to dominate—and not just in this Administration—what was supposed to be an office responsible to the people.

So it was decided against common

decency to eavesdrop on reporters doing their jobs and on men who thought themselves trusted associates. A few points about that ought to be noted:

¶Those eavesdropped upon could have been anyone who for whatever frivolous reason might have been suspected; no high official had to produce probable cause in court, or justify his suspicion in any way.

¶White House apologists are quoted as saying that while no disloyalty to the country was discovered, some of those tapped were found to be "disloyal" to Henry Kissinger. Will they please name the statutes that give authorization for wiretapping to determine if any employe is disloyal to Henry Kissinger?

¶White House apologists also say that some of these taps were intended primarily to clear men like Mr. Sonnenfeldt of suspicion. But if done with his knowledge, such a tap could have proved nothing; and if without his knowledge, it was still a rank invasion of his privacy (possibly touching upon all his family and personal relations), branding him as an object of suspicion.

There were said to be seventeen separate "installations" of these wiretaps. That may sound like a small matter; but if only one conversation was overheard via each installation, already 34 individuals were necessarily eavesdropped upon — more if one conversation happened to be a conference call, which is common enough in government. If only five conversations a day were intercepted by each of the seventeen installations, a possible 170 people could have been overheard (assuming different callers each time); and, at that rate, if each tap lasted only thirty days, the possible total would be 5,100 people overheard. Cut the figure in half to allow for repeat callers, and 2,550 people—most of them totally innocent of anything conceivably threatening to national security, but possibly discussing the most intimate or private matters—would have been overheard. In all probability, the total was much higher; and whatever logs of these conversations may ultimately be produced in court or in the Senate hearings, it is a certainty that their duplicates still will reside in some dank file or in the whirling innards of some bureaucrat's computer.

This dirty business tells much—perhaps more than any witness so far—about how the chain of "Watergate" events could have happened. In the atmosphere of arrogance and suspicion so plainly suggested by the wiretap story, burglary and forgery and perjury "in the national interest" could flourish like malodorous weeds.