

Judge Demands Documents On Wiretapping of Halperin

A federal judge yesterday ordered the government to turn over to him for safekeeping all original documents concerning a wiretap on the home of former White House aide Morton Halperin.

In view of the past history, the order is required to preserve the status quo concerning the documents, U.S. District Court Judge John Lewis Smith Jr. said yesterday.

He made the ruling after defense attorneys had pointed out that the documents had been "missing" for a year before being discovered in a White House safe last month.

The existence of the taps on Halperin's home telephone surfaced on May 10 during the trial of Pentagon Papers defendant Daniel Ellsberg, when the government said it overheard Ellsberg in a telephone call made from Halperin's Bethesda home.

The government contended yesterday that the order by the judge was unnecessary since government officials, including Acting FBI Director William D. Ruckelshaus, had said in sworn affidavits that the documents would be maintained in their files.

"I'm not unsympathetic to what they [Halperin's

lawyers] say, but it is no basis" for the order, said Justice Department attorney Edward S. Christenbury.

Halperin was one of 17 government officials whose phones were bugged between 1969 and 1971 in an administration attempt to pinpoint leaks of classified material. President Nixon has said he personally authorized the wiretap program.

Halperin has asked that national security affairs adviser Henry A. Kissinger and 10 other defendants be penalized \$100 a day for up to two years for placing illegal wiretaps in his home.