

Justice Admits Tap on Halperin Phone

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The Justice Department admitted yesterday that it placed a wiretap on the home telephone of former White House aide Morton H. Halperin for 21 months, but it said it did so lawfully to protect national security.

In a response to a lawsuit filed against the government by Halperin, the department argued that the wiretaps placed on Halperin's telephone between May 12, 1969, and Feb. 10, 1971, were requested by Henry A. Kissinger, presidential national security adviser, to pinpoint leaks of classified material.

Halperin, formerly an aide to Kissinger and now a senior fellow at the Brookings Institution, has asked the U.S. Dis-

trict Court to penalize Kissinger and 10 other defendants \$100 a day for tapping his phone.

Each of the defendants could be assessed damages up to \$75,000 for a total of \$825,000 under the terms of a wiretap statute in the 1968 Omnibus Crime Control and Safe Streets Act.

Justice Department attorneys Edward S. Christenbury and Benjamin C. Flannagan argued in papers filed in District Court yesterday that the wiretaps on the telephones of Halperin and other White House aides were necessary because leaks of classified material "could severely impair the ability of the President to conduct foreign policy and could damage the national security of the United States."

Halperin was suspected as a source of the leaks, the attorneys declared.

Moreover, the Justice attorneys maintained that Kissinger and the other defendants in the lawsuit are "absolutely immune from civil liability under the doctrine of official immunity."

The existence of the taps on Halperin's phone surfaced 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 home.

In his May 22 explanation of the Watergate scandal, President Nixon said the names of several newsmen and 11 government officials were selected for wiretaps by the late FBI Director J. Edgar Hoover,

former Attorney General John N. Mitchell and Kissinger.

Named in the lawsuit with Mitchell and Kissinger:

Former White House chief of staff H. R. (Bob) Haldeman, former presidential domestic affairs adviser John D. Ehrlichmann, current White House chief of staff Alexander M. Haig Jr., who then was Kissinger's aide, William C. Sullivan, former assistant FBI director, the Chesapeake & Potomac Telephone Co. and four "John Doe" defendants employed by the FBI and other executive branch agencies.