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TAP ON A BROTHER OF NIXON DISPUTED

Secret Service Differs With
White House Views That
Protection Was Aim

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, Sept. 6—The White House said today that if the Secret Service had wiretapped the telephone of F. Donald Nixon, the President's brother, it would have been "related to the protective function of the Secret Service."

But a spokesman for the agency said later that the Secret Service had legal authority to provide security services only for a President and his "immediate family," which would not include the President's brother.

The conflict arose following a report in The Washington Post that Mr. Nixon had once directed the Secret Service to monitor the telephone conversations of his brother, a businessman whose activities have sometimes caused political problems for the President.

Reports Confirmed

The reports, which first appeared in this morning's editions of The Post, were confirmed by an official of the Senate Watergate committee, who said that its investigators had obtained the same information from a White House employe.

The committee official said that the matter was not being pursued by the panel, however, because it appeared to be outside the specific jurisdiction of the select committee and "it only confirmed a pattern that we already knew existed." He

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said, "We knew they didn't trust one another."

Senator Joseph M. Montoya, Democrat of New Mexico, called the allegations "alarming" in a letter he sent this afternoon to James J. Rowley, the Secret Service director. The Senator said that in his view the wiretapping would have been "outside the scope of Secret Service responsibility for the physical protection of

the President."

Mr. Montoya is a member of the Watergate committee and he also is chairman of the Senate appropriations subcommittee that has jurisdiction over the Secret Service. In the latter capacity, Senator Montoya asked Mr. Rowley to supply him with "complete details" of any electronic surveillance undertaken by the Secret Service, including the number of taps, the duration, the reasons for them and the source of statutory authority for having maintained them.

Neither the White House nor the Secret Service would comment specifically on the allegations.

Remarks by Warren

Gerald L. Warren, the White House deputy press secretary, told newsmen that he had discussed The Washington Post report with the President. While he could not comment directly, Mr. Warren said, he added that he was "certain that any monitoring of the President's immediate family by the Secret Service would have related to the protective function of the Secret Service."

A spokesman for the agency also declined to comment directly on the report. Asked, however, to define the authority of the Secret Service, the spokesman said it was outlined in Section 3056 of Title 18 of the United States Code, which provides for the security of a President and "his immediate family."

Asked whether a brother or an in-law would qualify legally as part of the President's "immediate family," the Secret Service official said that the best reply would be to list those who currently are considered to warrant the agency's protection. He said that the list was limited to Mr. Nixon, his wife and their two daughters, Tricia Nixon Cox and Julie Nixon Eisenhower.

The Post account, and the information said to have been obtained by the Watergate investigators, suggested that the President had ordered the wiretap on his brother because of concern that Donald Nixon might become involved in something that could prove to be embarrassing to the President.

Hughes Loan Recalled

Donald Nixon, a vice president of the Marriott Corporation, emerged as a national figure in 1960 when it was disclosed that Howard Hughes, the billionaire recluse, had lent him \$205,000 in a futile effort to rescue Nixon's, Inc., a chain of restaurants in Southern California.

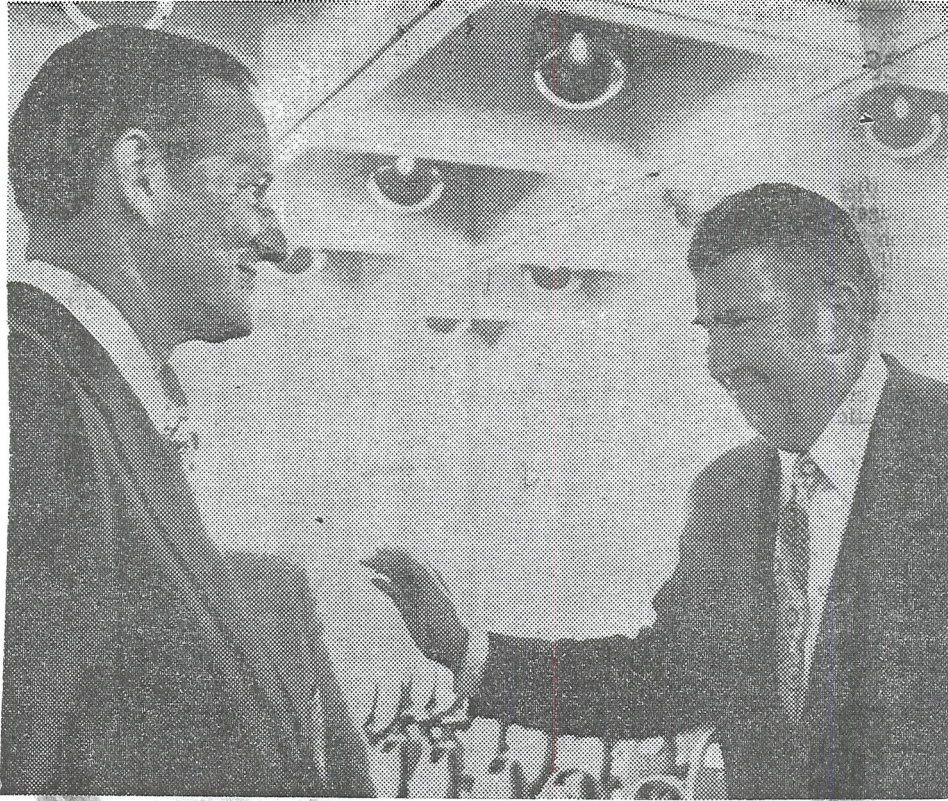
The disclosure became an issue — the "Hughes loan" — in the 1960 Presidential election campaign and, despite the 1961 bankruptcy of the restaurant chain, arose again when Richard Nixon ran unsuccessfully

for Governor of California.

The New York Times reported in April that C. G. Rebozo, the Florida investor who is one of President Nixon's closest friends, in 1969 had telephoned the Howard Hughes headquarters, then in Las Vegas, Nev., to demand that Hughes associates stay away from F. Donald Nixon.

Mr. Rebozo was quoted as having expressed concern that John Meier, a Hughes employe who had befriended Donald Nixon, would "get him in trouble."

Several weeks later, Mr. Rebozo reportedly telephoned the Hughes headquarters again and demanded to know why his request had been ignored. The Hughes officials were said to have learned that Mr. Rebozo was correct in complaining that Mr. Meier was still meeting with Donald Nixon and within a few days Mr. Meier's resignation was requested and accepted.



United Press International

F. Donald Nixon, right, waving aside newsmen's questions about the reported bugging of his telephone by his brother, the President. The scene yesterday was in Los Angeles.