

# Senators Request Kissinger Data

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The Senate Foreign Relations Committee voted yesterday to ask the Justice Department to show two of its members an FBI summary on Henry A. Kissinger's role in the wiretapping of 17 government officials and newsmen.

Chairman J. Fulbright (D-Ark.) said he expects the Nixon administration "to cooperate" to clear this obstacle to Kissinger's confirmation as Secretary of State.

"I can't believe that they wouldn't cooperate," said Fulbright, "because the vote was unanimous, 14 to 0." Also, Fulbright noted, "there is a precedent for this," when security questions were raised on Charles E. Bohlen's nomination to be ambassador to Moscow in 1953.

In the Bohlen precedent, two members of the Senate committee, John Sparkman (D-Ala.) and the late Robert A. Taft (R-Ohio) were permitted to inspect "raw FBI files," Fulbright recalled, and "we are

not asking for the raw files, but only a summary." According to newspaper records, however, Sparkman and Taft also were shown only an FBI summary in March, 1953, by FBI Director J. Edgar Hoover, who stated that the summary accurately reflected information in the Bohlen file.

Fulbright designated Sparkman, who proposed the parallel process yesterday, and Sen. Clifford P. Case (R-N.J.) to go to the Justice Department. The public hearings on Kissinger's nomination, meanwhile, will continue for the third day today at 9:30 a.m. and are expected to run the rest of the week.

Members of the Senate committee said they expect a favorable committee vote on Kissinger's appointment early next week, with Senate approval soon afterward, barring unexpected developments.

The committee is not bent  
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on an exhaustive examination of the wiretap controversy. Instead, the committee is treating the subject as symbolic test of principle on its access to information, and is regis-

tering committee disapproval of what it regards as a process of surveillance that infringes on civil rights.

Attorney General Elliot L. Richardson met with the committee for 90 minutes and presented what the committee regarded as a very unsatisfactory four-page memorandum, based on the FBI summary report.

The summary added little to the public record on the wire-tapping of 13 government officials, including members of

Kissinger's own National Security Council staff, and four newsmen, between May, 1969, and February, 1971, in a

search for the sources of news leaks.

But the memorandum did indicate, as some committee members have been convinced, that Kissinger's role in the wire-tapping was not

as passive as he indicated in his testimony last Friday.

The memorandum states, in part:

"As best can be determined from the FBI records, Dr. Kissinger's role included expressing concern over leaks of sensitive material and when this concern was coupled with that of the President and transmitted to the Director of the FBI (Hoover), it led to efforts to stem the leaks, which efforts included some wiretaps of government employees and newsmen.

"His role further involved the supplying to the FBI of names of individuals in the government who had access to sensitive information and oc-

casional review of information generated by the program to determine its usefulness. Any further elaboration of his role would have to come from Dr. Kissinger himself."

No attempt was made to pursue that with Kissinger in two hours of open testimony yesterday following the closed meeting with Richardson. Kissinger repeatedly has denied that he initiated the actual wiretapping process.

The motion passed by the Senate committee late yesterday stated that two members will meet with Richardson and Deputy Attorney General William D. Ruckelshaus "to obtain information on Dr. Kissinger's role respecting his initiative or concurrence in wiretap surveillance and then report back to the committee."

Sen. Hubert H. Humphrey (D-Minn.), a committee member, said he expected the wiretap be "cleared up" by the end of this week. Senate Majority Leader Mike Mansfield (D-Mont.) said he did not believe Kissinger's nomination was "in any danger."

Richardson told reporters that "the committee was assured that no member of the committee staff has been at any time subject to electronic surveillance while he has been a member of the staff of the committee."

That assurance was designed to reassure the committee about the wiretapping of Richard M. Moose, who was a member of Kissinger's staff and now is on the committee's staff.

Richardson also said "the committee's purpose would not be served by furnishing the names of individuals" who were wiretapped. Richardson said, "This is an issue in litigation now," with a court suit brought against Kissinger and other government officials by

Morton Halperin, another former member of Kissinger's staff, on grounds he was illegally wiretapped. Kissinger, President Nixon and other U.S. officials have said they were convinced at the time the wiretapping was legal.

Kissinger has been aggravated that his confirmation hearing, in which he pledged the administration to a new era of "mutual trust" with Congress, has so focused on the wiretap controversy.

In yesterday's public hearing, Sen. Edmund S. Muskie (D-Maine) said wiretapping is one of the practices "that is a threat to our fundamental liberties."

"I would like to know what your attitude is to wiretaps," Muskie asked Kissinger, "and do you expect in similar cases to repeat their use?"

"The issue of wiretapping raises the balance between human liberties and the requirements of national security," Kissinger replied, "and I would say that the weight should be on human liberty" except where there are "overwhelming considerations . . ." Kissinger said the exception "should be very rare" and "I cannot foresee circumstances in which this is a likely eventuality."

Sen. George D. Aiken (R-Vt.) again expressed concern yesterday about delays in Kissinger's confirmation. "Now I don't regard Henry Kissinger as a saint," said Aiken archly; "I feel that sometime he has committed sin," but "no one can question the part that he has played in bringing about more peace at present than the world has seen in a very long time."

Fulbright retorted that there is no delay and that Kissinger does not "require the title of Secretary of State to function. He has been functioning (as secretary) for four years."

On substantive issues, Kissinger testified yesterday that the United States is giving "the highest priority" to its "year of Europe" policy intentions, despite the absence of public actions so far.

After meetings in Copenhagen yesterday and today by the nine-nation Common Market foreign ministers, said Kissinger, the process "will begin to accelerate."

Last April, Kissinger publicly proposed a new all-embracing Atlantic charter to reinvigorate the Atlantic alliance, and tie Japan closer to it, encountering some opposition. Kissinger said yesterday that "our interest is the result

. . . not the name that we give the document."

The current direction, he said, is toward drafting one document with the Common Market nations dealing with economic and political objectives; a second document dealing with NATO defense issues, and a third document including Japan that ties the three together in a "trilateral" relationship.

Sen. Stuart Symington (D-Mo.) questioned Kissinger closely yesterday about what Symington called his concern that "the independence of the CIA" may be undermined by the Nixon administration. He was alluding to reports that the Central Intelligence Agency's Office of National Estimates has been scuttled because of administration disagreement with its findings.

The record of differing in-

telligence assessments inside the bureaucracy, said Symington, shows that "in almost every case CIA estimates have turned out to be correct." Symington said that if CIA is being pressured to conform to Defense Department conclusions, "I think we ought to abolish it [the CIA] if it is just going to be a tool to further the wishes of the Pentagon."

Kissinger firmly disclaimed any intention to suppress CIA's independence. "I strongly support your view that the estimating process of the CIA should be independent of any outside influence," said Kissinger. "We in the White House," he said, "have never attempted to influence this process."

Sen. George McGovern (D-S.D.) questioned the operations of the "Forty Committee" on covert intelligence activities, one of the multiple, powerful, interdepartmental committees headed by Kissinger as director of the National Security Council staff. Kissinger as Secretary of State would continue to serve also as the President's national security adviser, controlling the same groups.

McGovern asked why the United States should be engaged in such clandestine activities as "the assassination of leaders abroad" and "overturning governments."

Kissinger, replying that "it is extremely difficult to discuss that area of activities in open session," said that "in this administration, assassinations and overthrow of governments were not in fact carried out . . . I am not saying that assassinations were ever carried out or approved by this committee."