

By William V. Shannon

WASHINGTON, Sept. 12—Henry Kissinger never yielded an inch.

Through three days of public hearings that were more pillow fight than confrontation, Mr. Kissinger sat secure in the knowledge that the members of the Senate Foreign Relations Committee are defeatist. They feel that as long as the country is going to have Richard Nixon as President for the next three years, the country might as well have as Secretary of State a man who is Mr. Nixon's congenial colleague and moral peer.

Under these circumstances, Mr. Kissinger found it easy to stay out of trouble by maintaining a humble, deferential manner and returning soft, generalized answers. He could be sure no one was disposed to press him very hard.

His closest call came on the dispute over the wiretapping of Government officials and newsmen between 1969 and 1971. What is significant about this controversy is what his answers show about Mr. Kissinger's candor and responsiveness.

When news of these wiretaps broke last May 14, Mr. Kissinger at a press conference gave equivocal answers, stating that he had neither asked for nor approved the taps. Two days later, he admitted that he had supplied names of persons to be wiretapped but he still minimized his own part.

There the matter rested until last week when someone in the Justice Department passed on to the Foreign Relations Committee notes about a secret report prepared last May for Acting F.B.I. Director Ruckelshaus. The committee requested the report and Attorney General Richardson, after conferring with Mr. Kissinger, refused to release it.

Mr. Kissinger on Sept. 7, his first day of testimony, again presented himself to the committee as an innocent bystander in this unfortunate affair. The President, he said, had conferred in 1969 with Attorney General John N. Mitchell and F.B.I. Director J. Edgar Hoover about how to stop news leaks.

Applying the basic Nixonian principle of spreading the blame around, Mr. Kissinger continued: "He was told the best method was to apply procedures [i.e., wiretapping] followed in previous administrations."

Next Mr. Kissinger shifted the blame from himself: "I had been in the Government only four months and it didn't occur to me to question the judgment of these individuals."

Then he lapsed into the passive voice as if the matter had passed completely outside his control: "My office was required to submit a list of those

with access to leaked information. . . . I was not informed of these facts when wiretaps were used."

But as Mr. Ruckelshaus had said at a news conference last May and as the secret report apparently indicates, Mr. Kissinger instigated the wiretapping by his complaints to the President about leaks. He took part in a meeting with the President and Mr. Hoover when the taps were ordered. He provided most of the names of the persons to be tapped and read the summaries of the tapped conversations prepared by the F.B.I.

Nor is there any assurance that as Secretary of State he might not participate in further wiretapping. Asked about this by Senator Muskie, he replied, "The issue of wiretapping raises the balance between human liberty and the requirements of national security, and I would say that the weight should be on the side of human liberty and that if human liberty is infringed, the demonstration of national security must be overwhelming and that would be my general attitude."

Had it been "overwhelming" from 1969 to 1971? And who would decide in the future except Mr. Nixon and Mr. Kissinger, the same men who decided then?

With regard to the secret bombing of Cambodia in 1969-70, Kissinger said, "I believe then and I believe now that the action itself was correct."

Asked about making major foreign policy commitments as executive agreements rather than as treaties, Mr. Kissinger said agreements that involved coming to another's aid in time of war should be submitted to the Senate. But when pinned down about the agreement with Spain to have bases there, he distinguished that from his previous answer because that was a renewal of an old agreement and not a new arrangement. But if it was wrong to make the original agreement without Senate approval, why is it right to renew it without such approval?

Mr. Kissinger asserted that he knew nothing about the work of David Young, his former appointment secretary, as deputy head of "the plumbers." He did not know where Mr. Young had his office or that he was still on his [Kissinger's] payroll while a plumber. Mr. Young had become a nonperson.

Mr. Kissinger made it plain that he had no intention of letting the plight of Russian intellectuals interfere with his strategic moves with regard to the Soviet Union.

And so it went. In confirming Mr. Kissinger, the Senate is like a man who marries his mistress. At least there will be no surprises.