

New Details on a 'Security' Wiretap

Baltimore

A "national security" wiretap authorized by President Nixon and placed on an assistant to Henry A. Kissinger remained in effect after the assistant, Morton H. Halperin, left the Nixon administration and joined the campaign of Senator Edmund S. Muskie.

At the time the Maine Democrat was President Nixon's chief Democratic rival.

A brief filed by the Justice Department in response to a suit brought by Halperin has disclosed for the first time that his home telephone was from May 1969 until February 1971, nine months after he resigned as a consultant to the National Security Council, which Kissinger heads.

The Justice Department also conceded in the brief that summaries of conversations over the 21-month period by Halperin, as well as those of his wife and three children, were made available by the FBI to H. R. Haldeman, then the White House Chief of Staff, and Kissinger.

A separate reply filed by John N. Mitchell, attorney general at the time the Halperin wiretap was in operation, raised the question of whether some of the total of



MORTON HALPERIN
Ex-Kissinger aide

17 such taps placed on government officials and newsmen were installed in accordance with the law.

RENEWED

So-called "national security" wiretaps, which are not authorized by court orders, must be specifically renewed by the attorney general after 90 days, but Mitchell's brief asserted that he was never asked to extend the wiretap on Halperin.

The government also said in the main brief that it did not dispute Halperin's contentions that he and his wife "frequently communicated their political and other views privately and frankly in telephone conversations with their close friends," and that, after leaving government service, he talked on the telephone with "high elected officials who expressed their views of current government policies."

Halperin resigned as a full-time employee of the National Security Council in September 1969, four months after his tap was begun, but was asked by Kissinger to remain as a consultant to the council, which he did until April 1970.

MUSKIE

After April, he became an unsalaried foreign policy adviser to Senator Muskie, and eventually headed his campaign committee on the mili-

tary budget.

Halperin said in a telephone interview that although he did not remember ever talking a telephone with Muskie over the telephone, he did have discussion about campaign strategy with some of the senator's top assistants.

Halperin said he also worked closely with Anthony Lake, a former colleague on the council, who served as Muskie's chief foreign policy adviser during the senator's unsuccessful campaign for the Democratic presidential nomination.

Lake was also among the six council officials whose telephones were tapped by the Nixon administration, and sources familiar with the operation have said they believe that the tape on Lake's telephone might also have been continued until February 1971, two months after he joined the Muskie campaign.

Although Halperin's tap was continued for 21 months, longer than any of those of the 12 other government officials and four newsmen who were targets of the wiretap effort, Kissinger has said that the conversations overheard during that period "never cast any doubt" on Halperin's "loyalty or discretion."

'OPERATION'

Mr. Nixon, in a statement on May 22 taking responsibility for the wiretap operation, said that it was aimed at finding and stopping leaks of "secret information" about his foreign policy initiatives to the press.

The President maintained in the statement that the wiretap operation "produced important leads" that resulted in the tightening of security. But judging from Kissinger's remarks, Halperin was not found to have breached security in any of his conversations overheard by federal agents.

The government brief makes it clear that Kissinger and Haldeman, who began receiving the investigation reports in Kissinger's place about midway through the wiretap operation, un-

derstood that the data was coming from telephone surveillance.

WIRETAP

The Justice Department, while revealing much new information about the wiretap operation, maintained in its brief that the Halperin wiretap, although installed without benefit of a court order, had not violated federal wiretap laws.

The Nixon administration has argued consistently that it has the right — never recognized by congress or the supreme court — to conduct electronic surveillance in "national security" cases on the authorization of the attorney general alone.

In his suit, which names as defendants Kissinger, Mitchell, Haldeman, Haig and other present and former administration officials, Halperin is contending that the wiretap on him and his

family was illegal under the Omnibus Crime Control and Safe Streets Act of 1968.

He is suing for damages of \$100 for each day the tap was in place, as provided in the 1968 law, as well as for punitive damages.

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