

Justice Broke Rules in Halperin Tap

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The Justice Department apparently failed to observe its own ground rules when it spent 21 months tapping the telephone of Morton H. Halperin, a former national security aide.

According to legal papers filed in a civil suit, former Attorney General John N. Mitchell was never asked for permission to renew the wiretap despite a departmental rule requiring renewed authority every 90 days.

The documents also show that Halperin was under electronic surveillance by the FBI long after he had quit the government and during a period when he was an adviser to Sen. Edmund Muskie (D-Maine), then a potential presidential candidate.

The legal papers have turned up in the civil suit that Halperin filed against Mitchell, Secretary of State Henry A. Kissinger, and other top officials or former officials.

The reply brief on behalf of defendants shows that Halperin was being wiretapped from May 12, 1969, until Feb. 10, 1971.

The administration has claimed that Halperin's tap was placed in the interests of

national security. Normally, according to Justice officials, the department followed a rule of requiring renewals of such wiretaps to be authorized every 90 days by the Attorney General.

However, the rule seems to have been ignored in Halperin's case. Mitchell, in a separate reply brief to Halperin's suit, does not dispute the complaint that he authorized the first placement of a wiretap. But he said he "... was never requested to extend such authorization for any specific periods of time."

In a fuller reply brief by Mitchell and other defendants, the former and present officials admit that after the first tap was authorized in May, 1969, no further authorizations were either sought or authorized.

The Justice Department declined to comment on the apparent departure from the national security wiretapping ground rules. A spokesman said no one would comment while the Halperin suit is in the courts.

Halperin was one of 17 persons whom the government has admitted wiretapping in connection with national security affairs, presumably in its attempts to curb news leaks.

He apparently was subjected to the longest of the taps. Kissinger has testified that the longest one was 21 months.

In their brief, the defendants admit that summaries of the conversations overheard on the Halperin wiretap were made available by the FBI to Kissinger, Alexander Haig, who is now chief of the White House staff, and H. R. Halde- man, the former chief of staff.

Kissinger is named in the brief as the government official who first gave Halperin's

name to the FBI. Kissinger at the time was President Nixon's national security adviser and head of the staff for which Halperin was a consultant.

Based on Kissinger's information and other information available to the FBI, agents of the FBI installed the tap on Halperin's home in Bethesda, the defendants said in the brief.