

# A New Report of Tap on Demo Aide

## Washington

Authoritative sources have disclosed a second instance in which a "national security" wiretap authorized by President Nixon remained in effect on a former National Security Council staff member after he had left the government and joined the presidential campaign of Senator Edmund S. Muskie.

The disclosure is the strongest indication thus far that what apparently began in early 1969 as an effort to find and stop leaks of classified information to the press may have eventually turned into a political intelligence-gathering operation aimed at both Democratic and Republican opponents of the Nixon administration.

According to well-informed government sources, the wiretap, placed on the home telephone of Anthony Lake in May, 1970, shortly after he had announced his intention to resign from the council, was maintained until February, 1971 — two months after Lake had signed on as Muskie's chief foreign policy adviser.

## WEEKS

The New York Times reported two weeks ago that a similar "national security" wiretap on Morton Halperin, a former colleague of Lake at the council, had remained in force after he, too, had left the government and had become the head of Muskie's campaign committee on the military budget.

Both men have said that during the time they were under surveillance by the Federal Bureau of Investigation they discussed Muskie's campaign strategy over the telephone with other members of the senator's staff.

Although neither man can recall any specific conversations on the tapped phones with Muskie himself, Lake said it was possible that he might have spoken with the senator from his home by telephone at some point during the two-month period.

## ANYONE

He added however that anyone listening to his conversations with other campaign officials at the least could have anticipated "some of the speeches he (Muskie) was going to make."

Until it became apparent in mid-March of 1972 that Muskie's bid for the Democratic presidential nomination was faltering badly, he was the principal target of a campaign of espionage and sabotage by Republican undercover agents that included placing spies in his of-

fices and issuing bogus and in some cases scurrilous literature under his name.

In a statement in May Mr. Nixon took full responsibility for authorizing the "national security" wiretap operation, which involved the surveillance of 11 other-government officials besides Lake and Halperin, and four newsmen as well. None of the other government officials subsequently joined Muskie's staff. Both the White House and the Justice Department have since refused to comment on the matter.

Mr. Nixon asserted in May that each of the 17 wiretaps — the first of which were installed in May, 1969, and the last removed along with the Lake and Halperin taps in February, 1971 — were "undertaken in accordance with procedures legal at the time." and were intended "to find and stop serious national security leaks."

## ABSENCE

Although Halperin's tap remained on for 21 months and Lake's for nine, it appears that they were continued in the absence of any evidence that either man was a source or potential source of any of the leaks with which Mr. Nixon has said the operation was concerned.

Officials with access to the logs of the overheard con-

versations said they had assured Lake that "nothing damaging was ever turned up" on him.

Moreover, the President's assertion that all of the wiretaps "were legal, under the authorities then existing," is contradicted by a statement filed by the former Attorney General John N. Mitchell, in connection with a lawsuit by Halperin challenging the legality of his wiretap.

## POWERS

So-called national security wiretaps, which are installed without court orders under powers that presidents have assumed but that neither the Congress nor the Supreme Court has agreed they have, must be renewed by the attorney general every 90 days.

Mitchell said in his statement that in the Halperin case he was "never requested to extend such authorization for any specific periods of time."

Other government officials familiar with the operation have indicated that some of the wiretaps may have had motivations in addition to, or instead of, the preservation of national security.

One high Justice Department official acknowledged that the national security rationale was very, very thin in a couple of cases.

*New York Times*