

U.S. Opposes Release of Halperin Data

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WASHINGTON, Jan. 14—The Justice Department declined today to turn over to a former White House official documents related to a 21-month-long wiretap placed on his home telephone. The wiretap was part of a program, ordered by President Nixon, aimed ostensibly at halting leaks of classified information to the press.

In a 35-page brief, filed in Federal District Court here, the department objected formally to a request by Morton H. Halperin, a former National Security Council staff member, that the court compel the Government to make the wiretap records available to him and his lawyers.

Mr. Halperin's telephone was tapped beginning in May of 1969 by agents of the Federal Bureau of Investigation, after

Henry A. Kissinger singled him out as a possible source of press accounts of high-level foreign policy matters. The articles had angered both Mr. Kissinger and Mr. Nixon.

The wiretap continued until February of 1971, long after Mr. Halperin, a Republican, had left the Government and begun working in the Democratic Presidential campaign of Senator Edmund S. Muskie of Maine.

Oral Agreement

Mr. Kissinger said later that the wiretap turned up nothing to indicate that Mr. Halperin had been the source of the leaks. Mr. Halperin said in an affidavit, filed in connection with a lawsuit he has brought against the Nixon Administration, that his access to the information supposedly leaked had been pre-

cluded by an oral agreement with Mr. Kissinger three days before the tap took effect.

The Justice Department has previously opposed Mr. Halperin's contention that the wiretap was unlawful. Today, it suggested that some of the documents sought by Mr. Halperin might be subject to a formal claim by the department of executive privilege. The agency asked the court to review the documents in private and to make a determination that the Halperin wiretap was legal.

The Government lost a similar argument in another case last week, when a Federal district judge here ordered the disclosure of the nature and the extent of electronic surveillance against several antiwar leaders in connection with the 1968 Democratic National Convention.