

Wiretap Data on Muskie's Plans Reported Sent to White House

NYTimes

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Special to The New York Times

WASHINGTON, March 22—At least one of 17 wiretaps authorized by President Nixon for "national security" reasons provided the White House with political intelligence about the Democratic Presidential campaign of Senator Edmund S. Muskie, according to sources who have seen written summaries of the overheard conversations.

The reports containing references to Mr. Muskie were reportedly prepared in late 1970 and early 1971 by Federal agents monitoring a wiretap on the home telephone of Morton H. Halperin, a former National Security Council official who joined the Muskie campaign after leaving the Government in April, 1970.

The disclosures came as Mr. Halperin won from a Federal district judge today an order

that it turn over to him the records of the wiretap, which ran from May, 1969, until February, 1971.

The order by Judge John Lewis Smith, affirmed a request by attorneys for Mr. Halperin for summaries prepared by agents of the Federal Bureau of Investigation who monitored the wiretap.

President Nixon has said he personally approved the 17 wiretaps as part of an effort to stop leaks of classified information to the press.

The disclosure that politically useful information was being produced by the Halperin wiretap may help to explain why the former official was kept under surveillance longer than any of the others who were targets of the operation and despite the lack of any evidence

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that he had breached security.

The White House did not respond today to a request for comment on the report regarding information on Senator Muskie.

Mr. Halperin, a Republican, served as an unsalaried adviser on foreign affairs to the Senator from Maine after leaving the Government.

According to confidential documents prepared by the Federal Bureau of Investigation, the wiretap program lasted from May, 1969, until Febru-

ary, 1971, and involved at various times 13 officials of the Nixon Administration and four newsmen, including two reporters for The New York Times.

Political Motive Alleged

Mr. Halperin is suing several present and former Administration officials, including Secretary of State Kissinger and the former White House chief of staff, H. R. Haldeman, on the ground that the wiretap on his home phone, which was not authorized by a court order, was illegal and was intended primarily to monitor his political activities. He is the only one of the 17 to have sought the wiretap summaries.

Judge Smith gave the Government 10 days to surrender the wiretap material. Justice Department lawyers, who opposed the motion granted by the court, have indicated that they will now argue that some of the requested documents may be subject to a formal claim of executive privilege—a doctrine that protects the confidentiality of communications within the executive branch if disclosure would impair the orderly functioning of government.

Protests By Kissinger

To claim this privilege, Attorney General William B. Saxbe would have to act before the 10 days were up.

In general, a judge's order for the discovery of evidence, such as Judge Smith's today, is not appealable.

Mr. Halperin was one of the first Government officials to be tapped after a report appeared in The New York Times on May 9, 1969, about the then highly secret bombing of Cambodia by American aircraft.

That article, and others outlining the United States position at the talks with the Soviet Union on limiting strategic armaments; reportedly evoked strong protests from Mr. Kissinger, then Mr. Nixon's national security adviser. As a result of his protest, the President appointed Mr. Kissinger, the late J. Edgar Hoover, director of the F. B. I., and John N. Mitchell, then the Attorney General, to coordinate an investigation of the leaks to the press.

Mr. Nixon also approved the wiretapping of those officials suspected by Mr. Kissinger as the sources of the leaks. The wiretaps were installed without the court order that is required by law in ordinary criminal cases. The installation was made under an "inherent power" claimed by Mr. Nixon to prevent the nation's security from being compromised. Neither Congress nor the Supreme

Court has ever recognized an "interest power" to wiretap for this purpose.

Target of Espionage

Justice Department sources have said that information entirely unrelated to national security flowed into the White House from some of the 17 wiretaps. But the information relating to Mr. Muskie was the first indication that some details of his campaign planning were in the hands of high White House operatives long before the Presidential primaries in which the Senator was a target of political espionage and sabotage.

The F.B.I. documents show that the summaries of the wiretapped conversations were initially sent to Mr. Kissinger.

But in June, 1970, about midway through the 21-month, top-secret program, the summaries were diverted to Mr. Haldeman. Accordingly, it would have been Mr. Haldeman who received the reports of Mr. Halperin's conversations about Senator Mus-

kie's political plans.

Mr. Haldeman was indicted by a Federal grand jury two weeks ago, along with six other men, for conspiring to obstruct the criminal investigation into the June, 1972, Watergate burglary. That break-in was linked to a wiretapping plot that illegally provided political intelligence from the headquarters of the Democratic National Committee.

Some of the reports on Mr. Halperin received by Mr. Haldeman, sources who have seen them said, contained references to Mr. Muskie's activities in behalf of his bid for the Democratic Presidential nomination at a time when he was widely considered the front-running candidate against Mr. Nixon.

Mr. Halperin said in a telephone interview that he could

not remember whether he ever spoke with Senator Muskie himself over his home telephone during the months in question.

He said, however, that he did have discussion about campaign strategy with some of the Senator's top aides and advisers over his home telephone before the wiretap was removed in February, 1971.

Foreign Policy Speeches

Neither the sources nor the F.B.I. documents made clear to what use, if any, the White House may have put the information on the Muskie campaign that was supplied by the wiretap. According to Mr. Halperin, the reports of his conversations might have included advance knowledge of the Senator's speeches in the foreign policy area and particularly on the Vietnam war.