

Contradictions Mark Kissinger Record on Taps

By Laurence Stern
Washington Post Staff Writer

The record of Secretary of State Henry A. Kissinger's role in the 17 "national security" wiretaps is riddled with finely nuanced ambiguities.

One of the key witnesses, FBI Director J. Edgar Hoover is dead. Another major figure in the case, former Attorney General John N. Mitchell, was shown to have blatantly misrepresented his role in the taps.

Some House Judiciary Committee members, who were given access last week to FBI documents on the wiretaps, say they conclusively show that Kissinger initiated requests for the tapping of subordinates during the May, 1969, to February, 1971, period the surveillance was being conducted.

Several high-ranking Justice Department and FBI sources, who spoke in return for anonymity, say Kissinger was a prime mover in the initiation of the program as well as the specific wiretaps.

The central question in the Kissinger wiretap affair is: did the Secretary of State misrepresent in sworn testimony to the Senate Foreign Relations Committee his role in the secret surveillance program?

It was the emergence of this issue of Kissinger's credibility, especially its blemishing impact on his triumphal return from the Middle East, that led to the explosion yesterday in Salzburg and his threat to resign in the face of continued public attack.

The most significant public testimony on Kissinger's involvement in the wiretap affair was delivered by the two men in overall charge of last year's FBI investigation of the episode, former Attorney General Elliot L. Richardson and his acting FBI director, William D. Ruckelshaus.

Asked point-blank at the secretary's confirmation hearing last Sept. 10 whether Kissinger had specifically originated the wiretap requests, Richardson replied:

"Although he is identified in the FBI records as having requested taps directly or through Haig, my discussions with Dr. Kissinger have convinced me that he was not the originator, in the fundamental sense of the word, of any of these taps."

Did not Kissinger initiate the requests for the taps, committee chairman J. W. Fulbright (D-Ark.) pressed.

"No," replied Richardson, "unless it is fair to say that you have to take together the report which undertakes to reflect what the records show, and Dr. Kissinger's own recollections of what occurred as to which, of course, he is a better witness than we are . . ."

The former Attorney General went on to say, "But the FBI records indicate that there were requests for wiretaps of identified individuals in one case by Dr. Kissinger and in two instances, on his behalf by then Colonel Haig."

Richardson was saying in effect that while the FBI records showed the Secretary of State did ask for specific wiretaps—in contradiction to Kissinger's account of his own role—Richardson took the secretary's word for it that he did not initiate the wiretap requests.

Kissinger told the committee that the wiretapping program originated early in May, 1969, in a meeting between President Nixon, Hoover and then Attorney General Mitchell to discuss what to do about a series of four major news leaks early in the administration.

The President, Kissinger testified, "was told that the most effective method was to apply procedures that had been followed also in previous administrations, that is to say, to tap individuals according to specified procedures . . . At that time I had been in the government for four months and I must say it did not occur to me to question the judgment of these two individuals."

At the time the taps were instituted by Hoover, with Mitchell's signed authorization, they were being conducted in a legal limbo. There was no congressional authorization for them and the Fourth Amendment implications had not yet been raised in the Supreme Court. One source close to the case said there was no evidence that wiretaps without court authorization had ever been used to detect news leaks before the 1969 surveillance began.

A constitutional challenge of the 1969 to 1971 wiretap program has been filed by former National Security

Council staff member Morton Halperin, one of the wiretap targets. In the Halperin suit Ruckelshaus deposed, on the basis of the FBI investigation, that the first request for electronic surveillance of Halperin and three other targets was made by Alexander M. Haig Jr. to former FBI liaison officer William Sullivan on Kissinger's behalf.

In his own testimony, Kissinger said unequivocally: "I never recommended the practice of wiretapping. I was aware of it, and I went along with it to the extent of supplying the names of people who had access to the sensitive documents in question."

"Despite some newspaper reports, I never recommended it, urged it, or took it anywhere. Indeed, the thought that I might be in a position to do this in the fourth month of a new administration which I joined as an outsider is in itself inconceivable."

Fulbright asked the nominee: "Did you at any time specifically make a clear initiative, take the clear initiative yourself on any tap or even a single one?"

"No," replied Kissinger. "Not in the sense that I said 'tap this individual.' I carried out the criteria of a previous decision. There could have been, as I pointed out, a different perception by the FBI."

Hoover prepared a memorandum to the files on a telephone conversation with Kissinger in May, 1969, which portrays Kissinger as having raised the issue of the leaks and demanding an investigation. "Keep up the investigation," Hoover quoted Kissinger as saying, "and if you find somebody, we will destroy them."

The May 9 memo followed another memorandum the same day from Hoover to four assistant directors of the bureau reporting on a telephone call from Kissinger asking for investigation

of an unspecified news leak, believed to be a New York Times story on the secret bombing of Cambodia.

"Dr. Kissinger," the Hoover memorandum said, "said they wondered whether I could make a major effort to find out where that came from. I said I would. Dr. Kissinger said the article was in the lower righthand corner of the front page and to put whatever resources I need to find who did this. Dr. Kissinger said to do it

discreetly of course."

Another internal FBI memorandum, part of the dossier submitted to the House Judiciary Committee, reported that on May 20, 1969, Kissinger accompanied Haig, his deputy, to the office of assistant FBI director

Sullivan "to read all the logs prepared to date" in the surveillance.

"After reading the logs Dr. Kissinger said 'it is clear that I don't have anybody in my office that I can trust except Col. Haig.' He said what he was learning as a result of the coverage is extremely helpful to him while at the same time very disturbing," the memorandum said.

Some officials cautioned that Hoover was inclined, in his memoranda to the file, to portray his own role in the most favorable light.

Kissinger, in Salzburg yesterday, said he had no recollection of telling Hoover "to keep up the investigation and . . . we will destroy them." The May 9, 1969

conversation, the Secretary said, was initiated by Hoover "informing me of the security risks that he saw dealing with my material or with the NSC material."

At another point in the Salzburg press conference Kissinger made what could be a significant modification of his earlier declaration that he had requested no wiretaps.

"The point I am making," he said, "is my office did not initiate any requests for wiretaps that were not triggered (emphasis added) either by a security violation or by fulfilling the criteria of adverse information in the security files and that last criterion was met only once at the beginning of the program."

Kissinger claims to have been fully conversant with the FBI records dealing with his own involvement in the wiretap affair. In his testimony he acknowledged that the FBI's perception of his role might not necessarily have coincided with his own.

In a May 13, 1973, FBI memo it was noted that Kissinger received "eight summaries of information from wiretaps of members of the staff of the National Security Council sent to (H. R.) Haldeman May 14, 1970, to Dec. 28, 1970." Kissinger has claimed that he received no information from the wiretaps after June 30, 1970, and that all the surveillance reports were forwarded to presidential chief of staff Haldeman.