

Fulbright Unit Will Review Wiretap Role

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The Senate Foreign Relations Committee, confronted with Secretary of State Henry A. Kissinger's threat to resign, agreed yesterday to review his role in the FBI wiretapping of 17 government officials and newsmen.

Most committee members and several other congressional leaders expressed support for the secretary and urged him not to resign.

"I would hate to see him resign over a matter like this," said Sen. J.W. Fulbright (D-Ark.), chairman of the committee.

But some members of the House Judiciary Committee insisted again yesterday that evidence gathered in its impeachment committee indicated that Kissinger—despite his denials—had initiated some of the 17 wiretaps that began in 1969.

The Foreign Relations Committee set no date for its review of the case. Kissinger, who had requested the review is not expected to return from his trip abroad until June 19 at the earliest.

Meanwhile, Senators remained at odds with the Justice Department over certain FBI documents which, it is believed, could shed some light on the accuracy of testimony in which Kissinger said under oath he had not proposed any of the wiretaps.

The chairmen of three Senate subcommittees requested the documents as early as last February but so far the Justice Department has refused to turn them over.

The request was to be renewed but a Justice spokesman said the department is bound by a court order not to disclose the documents to anyone. The material had been furnished to U.S. District Court here for use in a suit brought by one of the men whose phone was tapped—Morton Halperin. The judge in that case John

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Lewis Smith, issued an order precluding its disclosure.

Some of the documents at stake are memoranda from the late FBI Director J. Edgar Hoover to former Attorney General John N. Mitchell in which Hoover sought approval for the 17 wiretaps. In those memos, Hoover explained the justification for the wiretaps and named the officials who had requested them.

The same documents were made available to the House Judiciary Committee under tight restrictions. They apparently are the source of some of the assertions last week that Kissinger had initiated some of the wiretaps.

The reaction in Congress to Kissinger's threat was generally one of shock and dismay coupled with an awareness that a conflict appeared to exist between his sworn testimony and material developed by the Judiciary Committee.

Sen. Edmund S. Muskie (D-Maine), who announced that the Foreign Relations Committee would reopen the Kissinger case, said he supports the secretary and hopes he will not resign.

"The Secretary of State has been a brilliant servant and his record deserves the support of his countrymen until there is a record to show the contrary," Muskie said.

"We obviously do not want Dr. Kissinger to resign," said Sen. Hubert H. Humphrey (D-Minn.). "I want to say to him as a friend: 'Stay with it—cool it.'"

But other members were skeptical of Kissinger's emotional reaction and sug-

gested that he may have been working too hard lately. "The damned fool—can't he take it?" asked Sen. George Aiken (R-Vt.), when he was shown a news bulletin of Kissinger's statement. "Why, that's part of the business, being criticized."

Sen. Lowell P. Weicker (R-Conn.) said Kissinger is entitled to a presumption of innocence, but added: "It is also true that we are not going to suspend the Constitution for any American regardless of the ends espoused."

Vice President Ford deplored the news leaks that prompted Kissinger's threat and said it would be "catastrophic to the cause of peace" if the secretary resigned now.

However, a member of the House Judiciary Committee, Rep. Joshua Eilberg (D-Pa.), insisted again yesterday that the impeachment inquiry had turned up "positive" proof that Kissinger had initiated some of the wiretaps. He was one of several members who had talked to reporters about the evidence last week.

"There is no doubt," Eilberg said, that either Kissinger or Alexander M. Haig Jr. proposed some of the 17 wiretaps. "and if Haig did it, it was under Kissinger's direction," he added. Haig, now chief of the White House staff, was Kissinger's principal deputy on the National Security Council staff when the wiretapping was started.

"It is hard for me to think that Haig would have authorized this without Kissinger's okay," Eilberg said.

He said the "positive proof" was contained in White House memos the committee had seen.

Eilberg said he hopes Kissinger does not resign as a result of the imbroglio. "I hope he stays," he said. "I also hope he is candid and truthful."

Kissinger has said that he supplied the names, under orders, of some persons who had access to top-secret infor-

mation and therefore were suspected of leaking it to the press. But he has denied what Eilberg and others have said the documents show—that he "initiated" some of the wiretaps.

Asked what he meant by the word "initiated," Eilberg said he meant that Kissinger had "asked for" or "recommended" some of the taps.

Several Republicans on the committee deplored the news leaks that provoked the controversy and staunchly supported Kissinger.

Rep. Delbert Latta (R-Ohio) said, "This country might lose one of the most effective secretaries of state of my time because of the activity of certain members of Congress. This committee leaks like a sieve."

But Rep. Elizabeth Holtzman (D-N.Y.) asserted that "if a question arose with respect to his testimony then the responsibility lies with Mr. Kissinger and his testimony and not with the committee. I don't think the committee can take responsibility."

A pro-impeachment member of the committee, Rep. Robert Drinan (D-Mass.) said of Kissinger's threat to resign: "Tough. Tough. That's tough."

Rep. Trent Lott of Mississippi, a Republican member, said that in his view the committee's evidence did not show that Kissinger initiated the wiretaps.

"Even if he did order them (the wiretaps), what's so big about it?" Lott asked. "Is it important enough when we might lose one of the best men in government?"

Lott said he had seen nothing in the evidence last week to indicate that Kissinger "directed" that the wiretaps be placed or that he had done "anything illegal."

Rep. John Seiberling (D-Ohio) concurred with Eilberg's opinion. He said documents showed that Mitchell named Haig and Kissinger as among those requesting wiretaps, the Reuter news agency reported.

According to Reuter, Seiberling said, "Dr. Kissinger was raising hell because of the leaks and wanted something done to stop them and as a result of that the wiretaps of the 17 were initiated."