

Nixon and Kissinger Face New Suit Over Wiretaps

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By R. W. APPLE Jr. JUN 13 1974
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WASHINGTON, June 12 — Two former members of the National Security Council staff filed suit today against President Nixon and Secretary of State Kissinger, arguing that taps on their telephones were placed unconstitutionally. One suit was later withdrawn.

The wiretaps, which have drawn Mr. Kissinger into the controversy swirling around the Watergate case, prompted his threat yesterday to resign if he was not publicly cleared.

William A. K. Lake, who has written articles as Anthony Lake and who served on Mr. Kissinger's staff from June, 1969, to June, 1970, and Richard M. Moose, who worked for Mr. Kissinger from January, 1969, to September, 1969, filed the suits with their wives. A number of other present and former officials of the Nixon Administration, as well as the Chesapeake and Potomac Telephone Company, were named as defendants.

Suit Withdrawn

Mr. Moose's attorney, Nathan Lewin, said late this afternoon, however, that he was withdrawing his suit at the request of Senator J. W. Fulbright, Democrat of Arkansas, the chairman of the Foreign Relations Committee.

Mr. Lewin said Senator Fulbright thought it inappropriate for Mr. Moose to be involved in such litigation because he is now a consultant to the committee and the committee has agreed to review Mr. Kissinger's role in the initiation of the wiretaps.

A similar suit was filed a year ago by Morton Halperin, also a former staff member of the Security Council and one of the 17 persons whose phones were tapped as part of a "special project" of national security wiretaps. That suit has not yet been brought to trial.

At his news conference yesterday in Salzburg, Austria, Secretary Kissinger repeatedly insisted that "the wiretaps in question were legal," and focused not on their legality but on what he described as a campaign of innuendo against him.

Contrary View

But the Halperin and Lake suits take a contrary view. Mr. Lake argued that the tap on his home telephone violated his civil liberties because it was "not based on any evidence whatever" that he had "disclosed or was likely to disclose any classified information."

Mr. Lake also noted that the tap had not been placed until he left the White House. The tap was installed, he contended, "principally or exclusively" because he was believed to be opposed to some policies of the Nixon Administration.

That assertion conflicted with Mr. Kissinger's statements in Salzburg, where he said the taps had been placed only on those who had adverse information in their security files, those who had access to information that had leaked, and those whose names had appeared in connection with the investigation of others.

F.B.I. Documents

Other remarks by Mr. Kissinger were buttressed, however, by a Federal Bureau of Investigation document headed "Chronological Summary of Special Project"—that was prepared in May, 1973. A copy has been obtained by The New York Times.

For the most part, it parallels in somewhat different form another F.B.I. document, obtained yesterday, that showed that some of the "original requests" for the wiretaps came from Mr. Kissinger or Gen. Alexander M. Haig Jr., then a colonel who served as Mr. Kissinger's deputy.

The second document leaves the same impression, but it indicates, for example, that Mr. Kissinger saw only summaries of the data generated by the taps and not formal logs, as had been alleged in some recent news accounts. Mr. Kissinger had also described what he saw as relatively brief summaries.