

WIRETAP INQUIRY IS SAID NOT TO AIM AT KISSINGER ROLE

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Other Officials Who Asked
for F.B.I. Eavesdropping
Called Jaworski Targets

BACKING FOR SECRETARY

He Is Endorsed by Majority
in Senate and Is Reported
Cleared by Prosecutor
NYTimes

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WASHINGTON, June 13—

Highly reliable sources said today that Secretary of State Kissinger was not "a target" of the special Watergate prosecutor's investigation of the Nixon Administration's wiretapping operations.

Although the accuracy of Secretary Kissinger's public accounts of his role in the wiretapping operation remained the subject of continuing comment today, one source disclosed that the prosecutor's office had told the Senate Foreign Relations Committee that it had seen nothing thus far to imply any criminal liability on Mr. Kissinger's part.

The investigation ordered some months ago by Leon Jaworski, the special prosecutor, is limited to potential violations of the Federal wiretapping laws, the source emphasized, and is not considering the question whether Mr. Kissinger perjured himself in his confirmation hearings before the committee last year.

Mr. Jaworski's interest reportedly lies not in the tapping of telephones of National Security Council aides and others in which Mr. Kissinger played a part. Rather, his interest focuses on taps on individuals who were included in the operation at the behest of other Administration officials, individuals whose jobs were outside the area of national security.

While the special prosecutor's office was not asked to look for perjury, it did thoroughly examine the wiretapping record, including Secretary Kissinger's public and secret

testimony, and has given no indication of finding evidence of perjury by Mr. Kissinger.

Tapes Started in 1969

A majority of the Senate, meanwhile, gave its backing today to a resolution saying that Mr. Kissinger's "integrity and veracity are above reproach" as the Foreign Relations Committee pressed the Administration for documents on his role in the wiretappings. [Details on Page 13.]

From May, 1969, to February, 1971, four newsmen and 13 Government officials were subjected to telephone wiretaps, all authorized by President Nixon and installed by the Federal Bureau of Investigation.

The President has said that he approved the use of wiretaps, because of his concern over unauthorized leaks of sensitive information to the press from Mr. Kissinger's office.

Secretary Kissinger, at the time Mr. Nixon's national security adviser, has acknowledged his presence at a White House meeting, in May, 1969, at which the Presidential authorization was reportedly given to the late J. Edgar Hoover, then director of the F.B.I.

Mr. Kissinger has recalled that the meeting, which he said also included John N. Mitchell, then the Attorney General, took place in the President's Oval Office on May 9, 1969.

But F.B.I. files reportedly show that Mr. Hoover dictated a memorandum that day describing a telephone conversation with Mr. Kissinger, who was with the President at Key Biscayne, Fla.

Mr. Kissinger has described his role in the wiretapping op-

Continued on Page 13, Column 3

eration as limited to supplying to the bureau the names of Government officials and others who had access to the information being leaked, about whom there was adverse information in the security files, or whose names had come to light in previous wiretaps and whom the White House decided to investigate.

Only 10 of the 13 Government officials were in posts at the National Security Council or the Departments of State and Defense that brought them in proximity to sensitive national security data.

The three other Government officials whose home telephones were monitored were John P. Sears, a White House lawyer with responsibility for political patronage matters; William Safire, a Presidential speech writer, and James W. McLane, a White House expert on problems of the aged.

Well-placed sources said today that the initiation of those three taps, for which Mr. Kissinger reportedly bore no responsibility, was what provided the focus of the prosecutor's investigation.

At his confirmation hearings, Mr. Kissinger testified that, while he was aware of Mr. Nixon's approval of wiretapping to find and stop the leaks, "I never recommended the prac-

Mr. Kissinger said that he "went along with it to the extent of supplying he names of the people [but] I never recommended it, urged it, or took it anywhere."

At a news conference Tuesday, the Secretary conceded that, "in submitting these names, we knew that a wiretap was a probable outcome."

The "basic issue," Mr. Kissinger continued, was "whether through my office or with my knowledge any names were submitted for any purpose other than the protection of national security and whether the information [gathered by the wiretaps] was used for any purpose other than the protection of national security."

Several newspapers, including The New York Times, have published excerpts from docu-

ments, reportedly from F.B.I. files, that indicate that Mr. Kissinger or Gen. Alexander M. Haig Jr., his former deputy, had made direct request for specific wiretaps.

One published document, attributed to Mr. Hoover, identified General Haig as requesting a particular wiretap on Mr. Kissinger's behalf.

The sources said today, however, that the F.B.I. documents were "very foggy" as to the question of Mr. Kissinger's direct involvement in requests for any of the wiretaps.

Approval Required

One source suggested that the documents, some of which were memorandums from Mr. Hoover to John N. Mitchell, then the Attorney General, could be read as an attempt by the bureau to make clear that the responsibility for requesting the taps lay with the White House.

The bureau cannot legally initiate on its own any so-called "national security" wiretaps, which are not accompanied by court orders, as are taps to uncover criminal activity. A request from the bureau for security installations must be approved by the Attorney General.

The source pointed out today the possibility that Mr. Hoover had cited Mr. Kissinger as the requesting authority because it was General Haig, his deputy, who had provided the names of suspected persons to the bureau.

The Foreign Relations Committee, which recommended Secretary Kissinger's confirmation, 16 to 1, appointed a special subcommittee in its con-

firmation hearings last September to examine summary reports of an internal F.B.I. investigation into the secret wiretaps.

Panel Agrees to Review

The two subcommittee members, Senators John J. Sparkman, Democrat of Alabama, and Clifford P. Case, Republican of New Jersey, are known to have seen documents saying that Mr. Kissinger and General Haig had made wiretap requests. But the two Senators concluded afterward that Mr. Kissinger's role "was not such as to bar him

from confirmation by the Senate."

The committee has agreed to Mr. Kissinger's request, made Tuesday in Salzburg, that it review the record of his participation in the wiretapping. The Secretary threatened to resign unless his name was cleared in the matter.

The special Watergate prosecutor does not need the approval of the Foreign Relations Committee before undertaking an investigation into possible perjury in sworn testimony at its hearings. But well-placed sources said that no such inquiry had been begun because there was a question whether Mr. Jaworski's mandate extended to the investigation of acts committed after the prosecutor's office was established in May last year.

The Senate committee has made no request for an investigation, but if one should result from its forthcoming review, it might therefore be referred to the Justice Department rather than to Mr. Jaworski.

One source said today, however, that suggestions of perjury by some who have compared Mr. Kissinger's published Senate testimony with his subsequent statements, including his remarks in Salzburg, might be mitigated by a reading of the Secretary's remarks to the committee that have not been made public.

The responsibility for the wiretap on Mr. Sears, one of those that is being looked into by Mr. Jaworski, is reportedly attributed by F.B.I. documents to the President himself. Those documents, quoting Mr. Mitchell, are said to have been made available to the House Judiciary Committee, which is investigating President Nixon's possible impeachment.

Asked if the names of Mr. McLane and Mr. Safire were also provided to the bureau by the President's office or Mr. Mitchell's, rather than Mr. Kissinger's, the source replied, "You've got it."

He characterized the prosecutor's inquiry as "an investigation of the possible abuse of executive powers" and said that it included a wiretap on a fourth individual, Morton H. Halperin, whose name Mr. Kissinger did provide to the bureau.