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Senate Panel To Get Data On Wiretaps

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The Justice Department agreed yesterday to give the Senate Foreign Relations Committee some of the secret documents it has requested for its probe of Secretary of State Henry A. Kissinger's role in government wiretapping of 17 officials and newsmen.

In a letter to committee Chairman J.W. Fulbright (D-Ark.), the department said it would furnish Fulbright's committee with "one copy of all the materials previously submitted to the House Judiciary Committee which indirectly or directly relate to the role of Dr. Kissinger in the initiation, operation and termination of those wiretaps." However, the material won't include the contents of the tapped conversations, which the committee didn't seek.

The probe is aimed at determining whether Kissinger was truthful when he told the committee he wasn't the prime instigator of the taps.

Two conditions were attached to the Justice Department offer: that the committee keep the documents secret, under the custody of staffer Norvill Jones and Sens. Clifford P. Case (R-N.J.) and John Sparkman (D-Ala.), who will play major roles in the probe, and

See KISSINGER, A7, Col. 1

KISSINGER, From A1

that permission for transfer of the documents be obtained from Judge John Lewis Smith of the U.S. District Court here.

Smith's approval was obtained last night, and Jones immediately moved to obtain physical possession of the materials. The judge had put the materials under a restrictive order last June 28 because they are involved in a damage suit against Kissinger filed by Morton Halperin, one of the officials whose telephone was tapped.

Smith previously had granted permission to the House Judiciary Committee to obtain some of the papers for its impeachment inquiry

of President Nixon, on condition that they be kept secret. Last night, he signed an order authorizing the Justice Department to give

them to the Fulbright committee.

Judge Smith also indicated he would consider next week a petition by Halperin that he be allowed to make materials public. The Halperin petition, filed yesterday, stated that there is no need for further secrecy on many of the documents, and suggested that Halperin is being stopped by the court restrictions from commenting on public statements by Kissinger during the year.

Fulbright, after releasing the letter, which was signed by acting Attorney General Laurence H. Silberman, said he didn't know whether added materials not available to the House Judiciary Committee and therefore not included within the scope of Silberman's letter might be soon included by the Foreign Relations Committee. But he characterized

the Justice pledge as "a good staff."

In releasing the Justice Department letter, Fulbright also issued a sharply critical statement on a Senate resolution, sponsored by 51 senators, which calls Kissinger's integrity and truthfulness "above reproach."

Introduced by Sen. James B. Allen (D-Ala.), the resolution is being cosponsored by several members of Fulbright's committee. But the Arkansas Democrat said the resolution appears to prejudge the question of how deeply Kissinger was involved in the 17 wiretaps and makes the committee's whole investigation "look like a charade."

Responding to Fulbright's statement in an interview, Mike Mansfield (D-Mont.), Senate majority leader and Fulbright's ranking member, said he is cosponsoring the Allen resolution on the basis

of Kissinger's "above reproach" statement. Mansfield said that Kissinger's role in the wiretaps was "a serious matter" and that the Senate should be kept informed of the progress of the investigation. He said that the Senate should not be misled by Kissinger's statements and that the Senate should be given the opportunity to hear from the witnesses and to see the evidence. He said that the Senate should be given the opportunity to hear from the witnesses and to see the evidence. He said that the Senate should be given the opportunity to hear from the witnesses and to see the evidence.

Earlier this week, in an emotional press conference in Salzburg, Austria, he threatened to resign as Secretary of State after several sources reported that documents in possession of the House Judiciary Committee indicated that Kissinger had in fact been the primary instigator of the surveillance.

If correct, these reports would indicate that Kissinger had misled the Foreign Relations Committee, and Kissinger demanded that Foreign Relations reopen the matter so he could establish his innocence.

The committee agreed to undertake an inquiry and it is to hold its first meeting on the matter Tuesday last September, with Case and Sparkman playing the major roles. The committee, on the basis of limited information, had accepted Kissinger's