

Fulbright Unit to Get Data On Kissinger Role in Taps

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WASHINGTON, June 14—Federal District Judge John L. Smith gave the Department of Justice permission today to give the Senate Foreign Relations Committee documents relating to Henry A. Kissinger's role in the wiretapping of Government officials and newsmen.

A Justice Department spokesman said immediately after the order was signed by Judge Smith late this afternoon that a thick stack of materials "directly or indirectly" touching on the Secretary of State's participation in the wiretap operation was being sent to the committee's offices.

The arrangement to provide the panel with the materials, which it had requested for its review of the Kissinger role, was apparently worked out yesterday in a telephone conversation between Senator J. W. Fulbright, the committee chairman, and Deputy Attorney General Laurence H. Silberman.

In a related development, Senator Fulbright said today that a petition signed by 52 of his colleagues praising Mr. Kissinger's integrity was a "premature" expression of support and raised "a serious question" as to the advisability of continuing the panel's inquiry.

Mr. Silberman sent Senator Fulbright a letter confirming the agreement today, but Judge Smith's permission was necessary because the wiretap records are under the control of his court.

The judge is presiding in a civil lawsuit brought by Morton H. Halperin, one of the former Nixon Administration officials whose telephone was tapped, against Mr. Kissinger and others.

Panel to Get Copy

John Seibert, the judge's law clerk, said that the order had authorized the Justice Department, which is representing Mr. Kissinger in the Halperin suit, to provide the Senate panel with a single copy of all relevant records except the "log" of the overheard conversations themselves.

Attorneys for Mr. Halperin filed a motion today seeking to lift Judge Smith's protective order altogether, citing a "pressing need for the documents to be freely available to Congress and the public..."

Yesterday, the judge approved a similar request from Mr. Silberman to make copies of the records available to Carlyle E. Haw, the State Department's legal adviser.

Robert Anderson, a State Department spokesman, told newsmen today that Mr. Maw was collecting "all available material" concerning Secretary Kissinger and the wiretap program, at the Secretary's request. Mr. Anderson said that ultimately the materials would be turned over to the Foreign Relations Committee.

At an emotional session with reporters in Salzburg, Austria, last Tuesday, Mr. Kissinger called for a full-scale inquiry by the committee into the "fundamental issues concerning the truthfulness and completeness of my testimony" on the wiretap issue during his confirmation hearings last September.

The Secretary threatened to submit his resignation unless what he characterized as a blot

on his "public honor" was removed.

Two members of the Foreign Relations Committee, senators John J. Sparkman, Democrat of Alabama, and Clifford P. Case, Republican of New Jersey, were designated during the Kissinger confirmation hearings to read a summary of the Nixon Administration wiretap effort that had been prepared by the Federal Bureau of Investigation.

Afterward the two senators said they had seen nothing in the summary relating to Mr. Kissinger's participation in the program that would prevent their recommending his confirmation as Secretary of State.

Committee sources said that among the documents provided by the Justice Department today were memorandums naming Mr. Kissinger as having authorized some of the 17 wiretaps and other materials that had not been made available last year.

Under the agreement reached yesterday, Senators Case and Sparkman, along with Norvill Jones, a committee staff member, will have "sole custody" of the materials. The two Senators will be responsible for their "integrity and security" and must approve requests from the panel's 15 other members to examine them.

Mr. Kissinger's position on his role in the wiretap program, which involved four newsmen and 13 Government officials, including six of his aides on the National Security Council, has been that while he was aware that President Nixon had authorized the use of wiretaps to find and stop leaks of sensitive information from his office, he never requested the installation of any specific wiretap.

He told the Foreign Relations Committee in September that his responsibility had been limited to submitting to the Federal Bureau of Investigation the names of those he suspected as possible security risks, and that the decision to tap telephones rested with the bureau. He acknowledged, however, that he had read some of the subsequent accounts of overheard conversations and that he realized the submission of a particular individual's name was tantamount to requesting a wiretap.

Several of the F.B.I. documents made available to the press, however, show that Mr. Kissinger is named as directly requesting wiretaps, sometimes through Alexander M. Haig Jr. then his deputy.