

Kissinger vs. Hoover

On Wiretap Requests

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Early on the afternoon of May 12, 1973, a middle-level FBI official named T.J. Smith emerged from the White House with two large boxes containing hundreds of pages of secret wiretap transcripts and memoranda in his custody.

He handed a receipt to White House attorneys J. Fred Buzhardt and Leonard Garment. A Secret Service agent drove Smith back to the Federal Triangle. The documents were then restored to the Justice Department building from which they had made a secret two-year odyssey through the private safes of Washington's bureaucratic stratosphere—finally ending in the outer office of former presidential assistant John D. Ehrlichman.

In the 13 months since Smith returned the boxes to the Justice Department their contents have unleashed a flood of controversy beginning with the Ellsberg case and culminating in Secretary of State Henry A. Kissinger's threat to resign at his Salzburg press conference last Tuesday.

This week, before Kissinger returns to Washington to seek the full clearance he demanded as a condition to staying on the job, members of the Senate Foreign Relations Committee will begin sifting through some of the same secret material. Kissinger asked that the committee pass final judgment on his role in the national security wiretapping controversy.

The documents will tell committee members, in the unsparing bureaucratism of the late J. Edgar Hoover and his FBI subordinates, that Kissinger's office initiated 14 of the 17 wiretaps targeted on government officials and newsmen between May, 1969, and February, 1971.

Kissinger was specifically named in four of the wiretap requests. His chief deputy then, Alexander M. Haig Jr., named 10 of the surveillance targets, according to documents obtained by The Washington Post.

President Nixon was identified as having asked for two of the taps through John N. Mitchell, then his Attorney General. An additional surveillance was requested by H. R. (Bob) Haldeman, then the White House chief of staff.

This is the gist of the FBI's documentary evidence, which stands in sharp apparent contradiction to Kissinger's initial testimony that his office merely passed on names of persons with access to allegedly leaked documents.

"Did you at any time specifically make a clear initiative, take the clear initiative yourself on any tap or even a single one?" Senate Foreign Relations Committee, Chairman J. W. Fulbright (D-Ark.) asked Kissinger at his nomination hearing last Sept. 17.

"No," Kissinger replied in sworn testimony.

A Hoover memo to Mitchell on May 13, 1970, said:

"On May 12, 1970, Brigadier General Alexander M. Haig of the National Security Council Staff, advised that Dr. Henry A. Kissinger of the White House staff, had requested that as soon as possible a telephone sur-

veillance be instituted on the home of "K" [Winston Lord] of the National Security Council Staff."

This is one example of the contradictory evidence in the case. Kissinger acknowledged in his Sept. 17, 1973, testimony that "there could have been . . . a different perception by the FBI" of his role in the wiretap requests.

The suggestion has been made by officials close to the investigation that Hoover, ever the consummate bureaucrat, papered the record of the case with self-serving declarations showing that all his actions in the controversial wiretap area were authorized by others.

When the question came up before the Foreign Relations Committee last Sept. 10 whether Kissinger had ordered wiretaps of newsmen, former acting FBI Director William D. Ruckelshaus said: "The answer is somewhat ambiguous. . . It may be impossible to reconstruct Dr. Kissinger's role from the FBI records."

Ruckelshaus was suggesting the possibility that the FBI requests naming Haig or Kissinger as initiators of wiretap requests may have been, in effect, form letters from Hoover to the Attorney General seeking authorization for specific wiretaps.

"This does not mean the FBI records are deliberately inaccurate or are meant to cover up the true facts." Ruckelshaus added pointedly. "In order to satisfy this committee, I think you would have to ask him [Kissinger] that question personally."

One of the FBI summaries said that the cover letter for a request for electronic surveillance of New York Times correspondent Hedrick Smith "said that Dr. Kissinger requested the coverage because Smith has been in contact with individuals on whom we had electronic surveillance in the case."

Beyond the issue of who specifically ordered the wiretaps there are numerous other unanswered questions surround the national security wiretap affair.

Hoover's memo, for example, says that Kissinger first called him to ask for a full investigation of a New York Times story on May 9, 1969, reporting the secret bombing of Cambodia. Yet the correspondent who wrote the story, William Beecher, was not placed under wiretap surveillance until a full year after the article appeared, according to the FBI records. Why?

Kissinger insisted that his office followed precise criteria in deciding whose names to pass on for surveillance: chiefly access to information that had leaked into news media. In Salzburg last week he added another criterion for providing names to the Justice Department and FBI—"individuals who had adverse information in their security files."

Kissinger acknowledged in Salzburg that three of the four officials on the original wiretap list—Morton H. Halperin, Daniel Davidson and Helmut Sonnenfeldt—"were appointed to the National Security Council staff by me over the strong objection of all my associates."

Several subjects of the early wiretaps insist, though, that they had no access to the Cambodia bomb-

ing information which was closely held both in the Pentagon and among a handful of top civilian aides to the President.

Haig and Kissinger's personal aide, Lawrence Eagleburger, would have been most privy to the material figuring in the 1969 leaks but there is no evidence

they were tapped. Haig, according to the FBI, was the subject of an "applicant-type investigation" from which "no derogatory information" emerged.

The FBI documents are themselves vague on the reasons for wiretap surveillance of specific individuals.

"Most of the electronic surveillances were instituted at the request of then Colonel Haig, who said that the coverage was being requested on the highest authority," one of the FBI summaries reported. "Memoranda initially stated that Haig stressed that it was a matter of most grave and serious consequence to our national security, and no other rationale was given."

In one case a wiretap was requested on a presidential speech writer on grounds that he was friendly with a newsmen and that "F" (the speech writer) told "P" (the correspondent) what would be in a speech by the President.

In Salzburg Kissinger angrily proclaimed that "the implication that my office was spending its time reading salacious reports by subordinates is a symptom of the poisonous atmosphere that is now characteristic of our public discussion."

Yet the FBI summaries of wiretapped conversations are peppered with professional or domestic gossip:

"During a discussion between 'N' and his wife she asked him if he told 'Q' some undisclosed matter."

"D' mentioned once that he had seen an individual in the State Department who handled Egyptian-Israeli matters, but that after 'Q's' story on Cambodia and other stories on Okinawa and the ABM, 'D' could not come around to see him any more; that things had gotten too tight."

"Some of the intercepted conversation related to drugs such as LSD and marijuana."

The purpose of the Senate Foreign Relations Committee will be to investigate the origins rather than the results of the taps — and what Kissinger's role was in initiating them.

The public testimony of officials who are familiar with the contents of the taps clearly suggests that they uncovered no major security lapses and were hardly worth the price of the public anguish they caused.

The dispute over Kissinger's role is not on the question of whether wiretapping is acceptable or not, but whether the secretary misrepresented his involvement in his sworn statements.

Ultimately the dispute will have to be resolved on the basis of who is more credible: the FBI and J. Edgar Hoover in their memoranda or Henry Kissinger in his testimony to the Senate.