

# Panel Backs Kissinger in Wiretap Flap

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The Senate Foreign Relations Committee yesterday reaffirmed its decision that Henry A. Kissinger's role in the wiretapping of subordinates and newsmen did not constitute grounds to bar his confirmation as Secretary of State.

"The committee has concluded that there are no significant discrepancies between the new information developed and Dr. Kissinger's testimony during the confirmation hearings last year," the report released yesterday said.

The nine-page report is studded with qualifications relating to the issue of wiretapping. "probably it will never be possible to determine exactly what took place," the report says.

The committee undertook its inquiry at Kissinger's request, following the publication of FBI reports which said the secretary, then the President's national security adviser, was the person who requested the wiretaps that were intended to stop leaks of national security information. Kissinger threatened to resign unless his name was cleared.

Yesterday State Department spokesman Robert Anderson said "the secretary is gratified by the committee's report." Given the context of the report, Anderson continued, Kissinger "no longer sees any reason for resignation and therefore he does not intend to resign."

The report acknowledges that there are discrepancies "between the FBI documents and the testimony of participants in the (wiretapping) program" relating to who requested the

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surveillance and who saw the logs.

Some questions, the report says, could only be answered by President Nixon, others only by the late FBI Director, J. Edgar Hoover.

Inconsistencies between testimony and FBI documents could only be resolved by William C. Sullivan, former No. 3 man in the FBI who is physically unable to testify because of a recent heart attack. There are gaps in FBI documents, the report notes, and the recollections of some participants are hazy because of the passage of time.

The committee report says it was not necessary "to make definitive findings of fact on each of the allegations that have been made concerning Dr. Kissinger's role in the wiretapping. . . . But we believe it should lay to rest the major questions raised about Secretary Kissinger's role."

Given what it called "the impossibility of laying to rest every question about the wiretap program and secretary Kissinger's role in it," the committee set what it characterized as "a more modest and realistic objective."

It posed two questions: "Is there a basis in ascertainable fact to conclude that Dr. Kissinger misrepresented his role in the wiretapping during his (confirmation) testimony last year? To this the committee, in a report adopted by consensus, answered no."

Secondly, it asked whether the committee could still be prepared to confirm Kissinger as Secretary of State if the information available now has been available last September. To this the committee answered "yes."

The report also concedes "semantic problems" on the question of whether Kissinger "initiated" individual wiretaps. Last year, the report notes, Kissinger testi-

fied that he had supplied names to the FBI: ". . . in supplying the names we did not specifically request a tap, although we knew, of course, that this could be, was a probable outcome."

In testimony this year Kissinger said: "Insofar as the submission of a name triggered a series of events which resulted in a wiretap, it would be said that the submission 'initiated' the tap."

Most of the testimony still is being cleared for release.

Although FBI documents do carry Kissinger's name as the person requesting taps, the committee report says during its closed-door hearings "Bernard Wells, the FBI agent who handled the preparation of most of the papers relative to the program, stated that the wording on the individual request forms could not be taken literally."

"The committee," the report stated, "was unable to settle to its satisfaction some questions about the initiation and termination of certain wiretaps. But it did establish to its satisfaction that Secretary Kissinger's role in the program was essentially as he described it in testimony last year." It said: "Words on FBI documents or on presidential tapes cannot be considered as definitive statements either of what transpired or of Dr. Kissinger's part in the overall program."

The report quotes a letter from the President in which Mr. Nixon stated he "directed the surveillance." The report said Kissinger was "acting on the assumption . . . that the wiretaps were perfectly legal." But it, notes that the committee remains "very much concerned about the broader issues posed by the 17 wiretaps" and hopes subcommittees now looking into the problem will come up with "effective statutory safeguards to govern the use of wiretaps for foreign policy or related purposes."