

FULBRIGHT PANEL CLEARS KISSINGER ON WIRETAP ROLE

AUG 7 1974

Foreign Relations Unit Says
Secretary Did Not Mislead
It In His Testimony
NYTimes

By BERNARD GWERTZMAN
Special to The New York Times

WASHINGTON, Aug. 6—The Senate Foreign Relations Committee voted unanimously today to clear Secretary of State Kissinger of allegations that he had misled the committee about his role in the wiretapping of 17 officials and newsmen from 1969 to 1971.

In a report approved this morning, the committee "concludes that there are no con-

*Observations and conclusions
of the committee, Page 20.*

traditions between what Dr. Kissinger told the committee last year and the totality of the new information available."

The favorable report, first made known by Senator J. W. Fulbright, Democrat of Arkansas, the committee chairman, to newsmen, removed the possibility of Mr. Kissinger's resigning because of doubts raised in the press about his credibility.

Kissinger 'Gratified'

The State Department, late this afternoon, said that Mr. Kissinger had been "gratified" by the report and "no longer sees any reason for resignation."

"Therefore, he does not intend to resign," Robert Anderson, department spokesman, said.

On June 11, in a news conference in Salzburg, Austria, Mr. Kissinger had threatened to quit unless his reputation was cleared of allegations that he had lied to the committee last fall.

Mr. Kissinger had noted news reports at the time based on Federal Bureau of Investigation documents that raised doubts as to whether he had been completely candid in discussing his wiretapping role before the committee last September when he was up for confirmation.

Asserting that he could not continue to conduct foreign policy if his honesty was questioned, Mr. Kissinger asked the committee to make a new inquiry into his role in the wiretapping that involved 13 Government officials, several of them former and present Kissinger aides, and four newsmen.

"The committee reaffirms its

Continued From Page 1, Col. 3

position of last year that his role in the wiretapping 'did not constitute grounds to bar his confirmation as Secretary of State.'" the report said. It added:

"If the committee knew then what it knows now it would have nonetheless reported the nomination favorably to the Senate."

Members Voice Support

Committee members were unanimous in their statements to newsmen about their support for Mr. Kissinger.

Senator Hubert H. Humphrey, Democrat of Minnesota, said "the committee made a very exhaustive study."

"We found nothing in those documents or hearings of any significance to cause us to change our minds," he said. "The decision made at Dr. Kissinger's nomination hearings still stands."

Mr. Humphrey added that he hoped Mr. Kissinger would remain as Secretary, even if President Nixon was forced to leave office.

"He is needed," Mr. Humphrey said. "His role is good. He's a tremendous national asset."

The committee held six closed-door hearings in the current inquiry, with Mr. Kissinger testifying as well as Attorney General William B. Saxbe, Clarence M. Kelley, F.B.I. director, and Gen. Alexander M. Haig Jr., the White House chief of staff, who at the time of the taps was Mr. Kissinger's deputy on the National Security Council staff.

The report made clear that the committee's purpose "was not to investigate the wiretap operation per se."

It said that the inquiry did not make definitive findings on each allegation about Mr. Kissinger's role, "but we believe it should lay to rest the major questions raised about Secretary Kissinger's role."

No Ruling on Legality

The committee said that it was not ruling on the legality of the wiretap program, initiated, according to President Nixon and Mr. Kissinger, to stem leaks of national security information to the press.

Noting that "discrepancies" remained between the F.B.I. documents and the testimony of participants, the report said, "Probably it will never be possible to determine exactly what took place."

It said that since it was impossible to resolve "every question about the wiretap program and Secretary Kissinger's role in it," the committee set "a

more modest and realistic objective."

It said that it had tried to answer two questions:

"1. Is there a basis in ascertainable fact to conclude that Dr. Kissinger misrepresented his role in the wiretapping during his testimony last year?"

"2. Would the committee, with all of the information it now has concerning the wiretapping program, reach the same conclusion it did last September that 'Dr. Kissinger's role in the wiretapping of 17 Government officials and newsmen did not constitute grounds to bar his confirmation as Secretary of State.'"

Answer Is 'Yes'

The report said that "after considering all of the testimony and relevant materials, the committee has concluded that the answer to the second is 'Yes.'"

In its inquiry, the committee failed to find "any significant inconsistencies" between Mr. Kissinger's testimony last fall and the new evidence—primarily the F.B.I. material.

It noted that one "inconsistency" was the fact that the President's decision to order wiretaps was made on April 25, 1969, and not May 9, 1969, as Mr. Kissinger had first testified. But it concluded that "it matters little" when the decision was taken.

"None of the discrepancies that has emerged pierce the

heart of the issue here: Is there solid reason to doubt that Dr. Kissinger was truthful last year in describing his role?" the report said.

The major question raised in the press about Mr. Kissinger's role was that in the F.B.I. documents, including memorandums written by the bureau's late director, J. Edgar Hoover, Mr. Kissinger was described as "initiating" some of the wiretaps.

Kissinger's Contention

Mr. Kissinger, in his prior testimony, and in public statements had insisted that he had only participated in the program by supplying names of those who had access to information that had been leaked to the press, or whose files had derogatory information, or whose names arose in the course of the investigation.

The committee said that "to be sure there are inconsistencies between the F.B.I. documents and the testimony."

As an example, it said that there was a letter from William C. Sullivan, a former top F.B.I. official, to Mr. Hoover, dated May 20, 1969, asserting that Mr. Kissinger came to Mr. Sullivan's office that morning and "read all the logs."

Mr. Kissinger told the committee that he "cannot recall such a visit," the report said, and Mr. Sullivan "assured the committee that he neither saw



Secretary of State Kissinger leaving Cabinet meeting yesterday.

nor talked to Mr. Kissinger during the entire time the wiretap program was in operation."

The report noted that Mr. Nixon in a letter to the committee on July 12 reaffirmed his own responsibility for the wiretap program. It said that Mr. Kissinger had told the committee that "I did not initiate the program, I did not recommend the program, and I had nothing to do with its establishment."

"I then participated in the program, once it was established, according to criteria that had been laid down in the President's office," he said.

Continued on Page 20, Column 1