

NYTimes
**NIXON FILES REPLY
TO HALPERIN SUIT**

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**Court Statement Asserts He
Authorized Wiretapping
for National Security**

By PETER KIHSS

Richard M. Nixon has submitted a court statement that he authorized wiretaps on the telephone of Morton H. Halperin, former assistant to Henry A. Kissinger, "to protect national security information against foreign intelligence activities."

The former President's statement, in answer to a suit against him seeking damages that could run over \$300,000, was received by the American Civil Liberties Union Foundation by mail here yesterday.

John H. F. Shattuck, who is among the liberties group counsel representing Mr. Hal-



Associated Press

Morton H. Halperin

perin without fee, said he believed this was the first court statement by a former President in a suit against him.

Mr. Nixon had, however, written the Senate Foreign Relations Committee while still President last July 12 saying, "I personally directed the surveillance, including wiretapping, of certain specific individuals."

The new action disclosed that Mr. Nixon had retained two new lawyers for the suit—William G. Hundley, who was chief counsel for former Attorney General John N. Mitchell in the Watergate cover-up case, and Cary Mark Feldman, of Mr. Hundley's Washington firm.

Kissinger Faith

Mr. Kissinger, now Secretary of State, has said the 21-month wiretaps from May, 1969, to February, 1971, at the Bethesda, Md., home of Mr. Halperin "never cast doubt" on his former aide's "loyalty or discretion."

Mr. Halperin served as Deputy Assistant Secretary of Defense for policy planning and arms control from August, 1967, through January, 1969, and then, until September, 1969, as aide to Mr. Kissinger, then the Presidential assistant for national security affairs.

In his seven-page answer to the District of Columbia Federal Court suit, Mr. Nixon contended that he had acted in his "official duties" and "broad discretion" as President, and was "absolutely immune from civil liability therefor."

He also argued that the suit by Mr. Halperin, his wife and three children was "barred by the statute of limitations." Mr. Shattuck contended, however, that the suit charged "fraudulent concealment of records" that was only discovered in 1973, so that the four-year time limit began running only then.

Acknowledged a Meeting

Mr. Nixon's answer in April, 1969, "during which a decision was made to conduct electronic surveillance of certain persons including employes of the National Security Council, and including plaintiff Morton H. Halperin, in an effort to discover the source or sources of leaks of highly classified information."

He denied charges that he "directly through his agents" tried from July, 1971, to May, 1973, to prevent disclosure of the wiretaps by deceiving Justice Department lawyers and the acting director of the Federal Bureau of Investigation and causing false testimony by them.

The suit was originally filed in May, 1973, against Mr. Kissinger and other former or present officials. Mr. Nixon was added as a defendant last Sept. 30 after his resignation Aug. 9. Under Federal law each defendant could be subjected to \$100 damages for each of the five plaintiffs for every day of the wiretaps and their disclosure.