

NIXON TESTIFIES ON WIRETAPPING

Talks to Lawyers at Coast
Home About Halperin Suit
NYTimes

By NICHOLAS M. HORROCK
Special to The New York Times

SAN CLEMENTE, Calif., Jan. 15—Lawyers for the American Civil Liberties Union interrogated former President Richard M. Nixon here today on his role in the 21-month-long wiretapping of a one-time National Security Council aide, Morton H. Halperin.

John Shattuck, a lawyer for the A.C.L.U., Mr. Halperin and several other members of Mr. Halperin's legal team went to the Nixon compound here to take a deposition in a lawsuit filed by Mr. Halperin seeking damages for the wiretapping.

One crucial issue was whether Mr. Nixon personally ordered a wiretap placed on the home telephone of Mr. Halperin and several other aides at a meeting in the White House Oval office on April 25, 1969. Mr. Nixon has issued a statement that he authorized electronic surveillance be used as a technique to halt news leaks in his Administration.

In a deposition in the case that was made public earlier this week, Secretary of State Henry A. Kissinger said that his recollection of the April meeting was that while Mr. Nixon's authorization was "in general terms and not limited to specific individuals, my understanding was that he then directed surveillance of Morton Halperin and certain others."

This is the third time Mr. Nixon has submitted to interrogation since he resigned from the Presidency on Aug. 9, 1974. He was questioned by the foreman of the Watergate grand jury and members of the Special Prosecutor's staff in June 1975. The transcript of that session has never been made public.

Mr. Nixon also gave a deposition in his suit to retain custody of his White House tapes and the Presidential papers engendered during his Administration.

The Nixon Administration's wiretapping of White House aides, Pentagon officials and newsmen came to light during the Watergate hearings. Mr. Halperin, according to Federal Bureau of Investigation records, was wiretapped for the longest period of time.

He was one of four officials whom the Federal Bureau of Investigation began to wiretap on May 9, 1969, and the tap on his telephone was not removed until February 1971, nine months after he had left government service.

Mr. Kissinger and others have testified that the wiretap was placed on Mr. Halperin's home in an effort to detect who was leaking classified information.

However, the evidence has shown that the tap on Mr. Halperin was retained after he no longer had access to national security matters, and even after he had returned to private life. Mr. Halperin has charged in his suit that the taps were retained on his telephone to gather political intelligence, since he was in touch with possible opponents of Mr. Nixon in the 1972 election.

From May 1969 until September 1970, the F.B.I. records of the conversations were delivered to Mr. Kissinger. For the last five-month period, however, they were sent to Mr. Haldeman, White House Chief of Staff who was rarely involved with national security matters.

Mr. Haldeman will be interrogated by Mr. Halperin and his lawyers tomorrow in Los Angeles. He will be asked under oath whether the intent of tapping Mr. Halperin became political and not national security.

Mr. Halperin has charged that even national security needs did not legally justify the wiretaps.

He is suing Mr. Nixon, Mr. Kissinger and other Government officials, charging that the tap violated his rights against warrantless search under the Fourth Amendment.

If his suit is fully successful, he could be awarded up to \$4 million in damages.

* SEE INXPOST
19 JAN 76,
ROBINSON.

SEE CLIPPINGS
11 MAR 76.
DEPOSITION
MADE PUBLIC