

A Report of Nixon Denial On Wiretaps

Los Angeles

Richard Nixon testified in a closed session at San Clemente that he never personally selected the persons to be wiretapped by the FBI in 1969 to find the sources of leaks of information, associates of the former President said Saturday.

These associates said that in 7½ hours of questioning by Morton Halperin and lawyers for the American Civil Liberties Union, Mr. Nixon staunchly defended his decision to use wiretapping to find the government officials who were allegedly leaking national security information to the press.

He reportedly said he had left the selection of the targets up to Henry Kissinger, then his assistant for national security affairs.

His testimony, these sources said, appears to contradict a sworn statement by Kissinger, now secretary of state, made public last week.

Kissinger said, in the statement about the same case, he recalled that, at a meeting he had with J. Edgar Hoover, then director of the FBI, and John Mitchell, then attorney general, on April 25, 1969, Mr. Nixon specifically directed electronic surveillance of four persons whose names had been suggested by Hoover.

Mr. Nixon, these sources said, didn't criticize Kissinger during the questioning last Thursday in San Clemente but he did say that Kissinger had been "in full accord" with the using of wiretaps to find new leaks and had been instructed, by Mr. Nixon, to select targets for inquiry from members of the National Security Council staff.

Mr. Nixon said that he did not order a tap to be placed on the phone of Halperin or any of the three other persons tapped on May 9, 1969. Moreover, according to these sources, Mr. Nixon said that he believed it was up to

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Kissinger to halt a given wiretap if it were unproductive.

In the period May 9, 1969, to Feb. 10, 1971, the FBI placed wiretaps, for varying lengths of

time on the telephones of 17 persons, including four newsmen, White House aides and a Pentagon official.

None of those who were tapped was removed from his job or prosecuted for having leaked national security matters as a result of the operation.

Halperin, who was wiretapped for the longest period, 21 months, has sued Mr. Nixon, Kissinger, other present and former government officials, the current director of the FBI and the Chesapeake and Potomac Telephone Co.

His suit contends the wiretaps were illegal.

He has also charged that the tap was continued on his telephone after he had ceased having access to national security matters and, later, when he left government, because the Nixon administration sought to use for political purposes information gathered by the taps.

Mr. Nixon, according to his associates, denied this in last Thursday's testimony. He reportedly said that he ordered what he regarded as a legal wiretapping program for the sole purpose of finding out about and halting national security leaks.

He also denied, several sources said, any knowledge of a plan in the White House to prepare a paper to counter criticism of his Vietnam policy being planned by Clark M. Clifford, a Washington lawyer who had served as secretary of defense under President Johnson and as an aide in the Truman administration.

According to evidence gathered in the case, John Ehrlichman, then chief of the domestic council of the White House, learned in December, 1969, from an FBI report on a conversation between Halperin and Clifford that Clifford planned to write an article in a magazine criticizing Mr. Nixon's Vietnam policy.

At that time the FBI was sending reports on the tap to Kissinger and to the President, but Ehrlichman was receiving the President's copy. With the approval of H. R. Haldeman, then chief of staff at the White House, documents showed, Ehrlichman

ordered Jeb Magruder to prepare material to counter Clifford's charges.

Mr. Nixon said in his deposition that he had not ordered this chain of events and had been unaware it was taking place.

According to one associate of Mr. Nixon, the former President is "very relaxed" when he discusses the wiretap issue. "I think he went into the deposition session to persuade Mr. Halperin that his decision on the leak was correct," one source said.

Persons who attended the session Thursday noted interesting asides of the former President's behavior. He never, for instance, drank water in the 3-hour morning session or the 4½-hour afternoon session.

He was loquacious and answered all the questions at length, creating a transcript that had short question areas and long pages of his answers.

At several points he lectured his hearers on foreign policy decisions. One source said that the transcript, when made public, will provide new information on Mr. Nixon's foreign policy decisions.

This source declined to make the matters public.

As though to provide an atmosphere of congeniality at the start of the afternoon session, Mr. Nixon was said to have given his listeners a long dissertation on the football strategy of yesterday's Super Bowl game.

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