

# Nixon Details Three Roles In Wiretaps

By Timothy S. Robinson  
Washington Post Staff Writer

Richard M. Nixon, acknowledging under oath that as President he authorized wiretaps of 17 newsmen and government officials, has said that Secretary of State Henry Kissinger was responsible for selecting who should be tapped and FBI Director J. Edgar Hoover was responsible for carrying out the eavesdropping.

In a court deposition taken Jan. 15 at Nixon's San Clemente house and made public yesterday, the former President was adamant and argumentative in defending his actions in connection with the wiretaps. He asserted he was only continuing national security practices followed by four previous administrations.

Mr. Nixon portrayed himself as staying aloof from the operation of the program once it began under his general orders. The program was part of an attempt to track down alleged leaks of classified information to the press.

In the latest round of finger-pointing growing out of a suit over the legality of the wiretap program, Mr. Nixon's sworn statement raised questions in two specific areas:

He appeared to contradict sworn testimony given by Kissinger about Kissinger's role in the program. Kissinger has said Mr. Nixon specifically authorized a tap to be placed on the home telephone of then National Security Council aide Morton Halperin, while Mr. Nixon said he never mentioned Halperin by name but left the selection of tap targets up to Kissinger.

Mr. Nixon described the program as being under the direction and control of the late FBI director, Hoover. Three other witnesses—former Attorney General John N. Mitchell, ex-FBI official Cartha DeLoach and ex-White House aide John D. Ehrlichman—have testified that they understood the taps to be under Kissinger's

control and direction.

Mr. Nixon's seven hours of sworn testimony amounted to 167 pages when it was filed yesterday in U.S. District Court in a suit brought by Halperin over the legality of the taps. Halperin claims the tap, which remained on his home telephone for a total of 21 months, invaded his privacy and that information gath-

See NIXON, A38, Col. 1

NIXON, From A1

ered on it was used for political purposes.

In his deposition, Mr. Nixon said the taps used in his administration were a natural outgrowth of the practices of previous administrations to tap persons suspected of leaking information. There were as many as 100 such taps during the administration of the late President John F. Kennedy, Mr. Nixon said at one point.

Mr. Nixon also used the deposition to describe in sometimes rambling detail the various foreign policy initiatives taken by his administration—such as resumption of relations with China—and what he termed the need for secrecy that surrounds such delicate policy matters.

Had we not controlled the leaks even as well as we did," Mr. Nixon said at one point, "... had we not been able to conduct our policy with some confidentiality, we could not have made the progress that we have made" in five specific areas of foreign policy.

Referring often to his handling of the war in Southeast Asia, he said leaked information at one point "caused the deaths of thousands of Americans"

there. At another point in the deposition, he accused war protesters of prolonging the war "because as long as the enemy had the impression that there was a substantial chance that there were some who would take peace at virtually any price, and could be elected president, they could hang on."

Mr. Nixon said he first considered leaks a serious problem within his administration in February, 1969, when the press publicly reported some material he had considered so sensitive that he had included it in a personal briefing of former President Dwight D. Eisenhower the previous day. Mr. Eisenhower "expressed very deep concern" to Kissinger about such a leak occurring, Mr. Nixon added.

Mr. Nixon said that after discussing such leaks with Kissinger, the President decided to call Attorney General Mitchell and FBI Director Hoover.

"Mr. Hoover informed me that this had happened before in previous administrations. He said that there was only one way to deal with it," Mr. Nixon testified. Four previous administrations had the authority to wiretap to deal with leaks, Mr. Nixon said he was told by Hoover.

Mr. Nixon said he, Hoover and Mitchell discussed the legality of such a program. "I told Mr. Hoover at the time and Mr. Mitchell that I wanted these, the use of these procedures to be limited," Mr. Nixon added, saying that members of his administration might feel they were not "trusted" if they were tapped.

A May leak on secret U.S. bombing in neutral Cambodia was the final straw after 20 other leaks of classified information, Mr. Nixon said. It was this leak that Mr. Nixon said "was directly responsible for the deaths of thousands of Americans because it required the discontinuance of a policy that saved American lives."

Mr. Nixon said the policy had to be stopped after it became public, because Cambodian Prince Norodom Sihanouk — for internal political reasons — could only allow the bombing to continue on a secret basis. Mr.

Nixon referred to the bombing program as "The Menu Program — like you get at the Sans Souci, but it doesn't cost that much."

"I said that if this can leak, anything can leak," Mr. Nixon said in referring to the Cambodia bombing program.

Mr. Nixon said he sug-

gested to Kissinger, who was then serving as national security adviser, that he call Hoover and provide information on persons who had access to the information. "I later learned he did furnish Mr. Hoover the names of

certain individuals that he thought might be potential leakers of this information," Mr. Nixon said.

"In this instance it was Dr. Kissinger's responsibility to furnish Mr. Hoover the names of individuals that he, Dr. Kissinger, felt might have had access to information or that... might have had a tendency to be loose-mouthed...," Mr. Nixon added.

The tap on Halperin's phone was placed by the FBI the weekend of May 9, although FBI records indicate it was not approved by the

Attorney General until Monday morning. The same weekend, Kissinger personally told Halperin he was suspected of leaking the information, and blocked his future access to such information.

No information was gathered on the tap to indicate that Halperin was leaking classified information to the press.

Kissinger has said Hoover first brought up Halperin's name as a tap target in a White House meeting with Mr. Nixon and Mitchell, and that he felt Nixon approved

that specific tap. There are no records to indicate that such a specific meeting occurred.

Mr. Nixon said in his deposition that he approved only a general program. "I told Dr. Kissinger that he should inform Mr. Hoover of any names that he considered prime suspects," Mr. Nixon said.

"That was Dr. Kissinger's responsibility. It was his responsibility not to control the program solely to furnish the information to Mr. Hoover. Mr. Hoover was to take it from there..." Mr.

41029 (P. 1)  
++  
1) ...

Nixon said. "I have no recollection of Morton Halperin's name coming up."

of his deposition to discuss the types of confidential material to which White House employes such as Halperin were privy, and said he considered such information still confidential. Those pages of the deposition were deleted from the publicly filed copy.

In his continuing discourse on presidential secrecy, Mr. Nixon added that he did not discuss his China

See NIXON, A39, Col. 1

NIXON, From A38

overtures with the head of the CIA or the secretary of Defense until long after they had begun.

Mr. Nixon said he gave no specific instructions to the FBI on how the wiretaps should be handled within the agency, and said he could not explain why the wiretaps were handled even outside the normal national security channels there.

"My guidelines, orally expressed, . . . were that a tap should be installed when necessary with justification and when not necessary, should be removed," the former president said. Although he said Kissinger could have recommended that a tap be removed, Mr. Nixon said the final decision would be up to Hoover or himself.

When pressed on whether he instructed Hoover or FBI agents to minimize the amount of eavesdropping on private conversations on taps such as that on Halperin's telephone, Mr. Nixon shot back to his inquisitor, American Civil Liberties Union attorney John F. Shattuck:

"No. I realize the ACLU is apparently not concerned about that kind of conversation in my own case (a reference to Mr. Nixon's battle to gain control of White House tapes), but apparently you are in this case; is that correct?"

"Shattuck: I am not sure that we aren't concerned about it any case in which it comes up, Mr. Nixon."

"Mr. Nixon: Are you concerned? You are concerned about the revelation of private conversations between husband/wife and others. You don't believe that it should be publicized or should be made public? What is your position?"

"Shattuck: My question stands."

Mr. Nixon said later that

he had never seen any wiretap reports on the Halperin surveillance, and specifically became aware of it only after Kissinger told him. Mr. Nixon also said he did not even know if Halperin had access to the Cambodian information that touched off the wiretap program.

The former President said he resented the general criticism of the wiretap program by members of the House Judiciary Committee that voted for his impeachment. Although wiretapping is "not a pleasant and not a preferable action" by any President, "it has proved in the past and during our administration . . . to be justified on a limited basis . . ."

"It is well for this suit to reflect on the basis of wiretapping and the abuses of surveillance and the abuses in the field of the use of wiretapping for political purposes," Mr. Nixon added in a four-page answer to one question. But, he continued, the ability of the U.S. to succeed in a foreign policy initiative might "take precedence" over an individual's right to privacy.

Mr. Nixon said the material gathered from the wiretaps was shifted from Kissinger to White House political aide H. R. (Bob) Halde- man at the request of then NSC aide Col. Alexander Haig. Haig suggested the tap material be sent elsewhere because of the "enormous load" being carried by the NSC, Mr. Nixon said.

Mr. Nixon dismissed as "malicious and vicious" any charges that the material was sent to Haldeman for political purposes. Halperin had at the time begun working for the political candidacy of Democratic presidential hopefuls.

"There was no political use and no private use that I-know of. None was authorized. None was intended. I wanted to lay that to rest once and for all," Mr. Nixon said.

Even if there were any misuse of the material, it

was done in good faith, Mr. Nixon suggested. "Now it is going to take somebody much better than you or wiser than I to sit in judgment as to their good faith on that particular issue as to whether their motivation was political or whether their motivation was basically the security of the nation," Mr. Nixon said.

Nixon said that although no one asked him about the placing or continuation of the Halperin tap specifically, he believes in retrospect he would have approved it.

"I believe that . . . this kind of activity first, was not only right but then from the standpoint of security of this country, I think it was legally right. I do not suggest this, that mistakes were not made as they inevitably will be, particularly in such a highly sensitive area.

"By 'mistakes', I mean possible infringements on the rights of privacy in the use of material for political purposes. Although there, I think a good faith defense might well be made."