

# NIXON TESTIFIES KISSINGER PICKED WIRETAP TARGETS

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Says He Ordered the Action  
but That His Adviser Gave  
F.B.I. the Names

## DEPOSITION IN LAWSUIT

Sworn Statements by the  
Two Men Appear to Be in  
Conflict in Two Areas  
NYTimes

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Special to The New York Times

WASHINGTON, March 10—

Richard M. Nixon said in sworn testimony made public today that he ordered a program of telephone wiretaps in 1969 to locate news leaks, but that it was Henry A. Kissinger, his national security adviser, who supplied the Federal Bureau of Investigation with the names of the original targets of the program.

The former President's testimony appeared to conflict with

Excerpts from the testimony  
are on pages 26 and 27.

sworn statements by Mr. Kissinger, who is now Secretary of State, in two main areas.

One is the question of who supplied the names of the four men who were first wiretapped by the F.B.I.; the second is the question of Mr. Kissinger's role in terminating the wiretaps.

Mr. Nixon's statements are contained in a 169-page deposition that was taken at his San Clemente home last January in a damage suit filed by Morton H. Halperin, one of the 17 persons whose home phones were tapped by the F.B.I.

### Other Disclosures

In answering the questions, Mr. Nixon provided long dissertations on the policy and background of his acts in the wiretap matter. The deposition, as a result, has some of the tone of a memoir.

Mr. Nixon made the following wide-ranging assertions:

Former President Lyndon B. Johnson "had almost an obsession" about news leaks and warned Mr. Nixon not to use the National Security Council, because that would increase the danger of secrets getting out. Mr. Johnson, he said, told him that he had great confidence in J. Edgar Hoover, then Director of the F.B.I. "Without Mr. Hoover, he said he simply couldn't run the foreign policy of this country during the last difficult months of his Presidency," Mr. Nixon

said.

Mr. Nixon asserted that this was the first indication he had ever had that wiretapping by the F.B.I. had been undertaken in national security cases.

Mr. Nixon charged that a news leak resulted in a published report that the United States was secretly bombing

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Cambodia, and that the report "was directly responsible for the deaths of thousands of Americans because it required the discontinuance of a policy that saved American lives."

The former President said that as a result of the report—published by The New York Times on May 9, 1969—he stopped the bombing. However, the Pentagon and the State Department acknowledged in 1973 that the bombing had actually continued until May 1970.

He said that news leaks could have destroyed his secret efforts to reopen United States relations with China and disclosed that he discussed this plan in 1967 with President Charles de Gaulle of France, and early in his Administration with Ayub Khan of Pakistan; Willy Brandt, then Chancellor of West Germany, and Nicolae Ceausescu, the Rumanian leader.

He said that he did not destroy the White House tapes of his Watergate conversations because they were evidence. "I felt evidence was evidence, and even though they had not been subpoenaed, so be it," he said. "They were not destroyed. They could have been."

### Decision Making

The thrust of the 6½ hours of questioning of Mr. Nixon for the deposition on Jan. 15 concerned the decision-making process in ordering and carrying out the wiretaps.

Four days before the deposition session, Mr. Kissinger's answers to a series of "interrogatories" in the same case were made public. He described a meeting that he attended in the Oval Office of the White House that he believed was held on April 25, 1969, and involving President Nixon, John N. Mitchell, then the Attorney General, and Mr. Hoover.

Director Hoover identified four persons as security risks and suggested that these four be put under surveillance initially. Three of these—Morton Halperin, (A) and (B)—were individuals who had been previously identified as representing potential security problems," Mr. Kissinger's sworn answers said.

"The fourth was C, whom Hoover claimed had connections with foreign intelligence services and had been tapped in previous Administrations. I

believe the director also recommended physical surveillance of D."

"It was my understanding," Mr. Kissinger said, "that President Nixon directed the surveillance of the persons then suggested by Director Hoover."

Mr. Kissinger did not name the others in the April 25, 1969, list because of a legal agreement in the case. They are reported to be Helmut Sonnenfeldt and Daniel Davison, at the time White House aide, Lieut. Gen. Robert Pursley, on detached duty from the Pentagon, and Henry Brandon, the Washington correspondent of The Sunday Times of London.

Mr. Nixon testified: "I have no recollection of Morton Halperin's name coming up. I do not want to sound as I am being derogatory of Dr. Halperin, who is very distinguished in his academic background. . . . I do not recall Dr. Kissinger mentioning Mr. Halperin, or Dr. Halperin being with him."

Mr. Nixon said that he recalled the issue of the names coming up in May, around the time of the news leak of the bombing, and not in late April at a White House meeting.

He testified that he had a conversation with Mr. Kissinger on the leak issue at the time of the May 9 article in The Times.

"I of course, did not select the names myself," Mr. Nixon said, "because I did not know [them]. I told Dr. Kissinger that he should inform Mr. Hoover of any names that he considered to be prime suspects."

"By 'prime suspects,' again if we may use the A.C.L.U. [American Civil Liberties Union] term, I did not say that in a condemnatory fashion, prime suspects or prime targets by reason of the fact that they might have had access or reason of the fact that they had previous records about being loose in their talk."

"It was his [Mr. Kissinger's] responsibility not to control the program, but solely to furnish the information to Mr. Hoover."

In another area of apparent conflict, Mr. Kissinger testified before the Senate Foreign Relations Committee in July 1973 that he "had no knowledge of when an individual tap was terminated, and I was not involved in termination decisions." He said that at that time he had received reports on only eight of the 17 individuals and had

no way to "make a judgment regarding termination."

Mr. Nixon, however, testified that a tap would be terminated when it was deemed no longer necessary. "That could come either from a recommendation from me or Dr. Kissinger, after consulting with me, that if we weren't getting the information that was worth

the time, or from Mr. Hoover," he said.

Mr. Nixon said that he presumed Mr. Hoover would have given "great weight" to Mr. Kissinger's recommendation in the matter.

Mr. Nixon said that he ordered the tapping program to be kept top secret in Government so as not to destroy the

morale at the White House. He said that he never personally read any of the wiretap reports, but he acknowledged that he had told his counsel, John W. Dean 3d, in a tape recorded conversation several years later that the wiretap program had produced "crap" and had not been valuable in stopping leaks.

\* "Kissinger [has said] in testimony ... that he attended a session at the White House with Nixon, Mitchell and Hoover April 25, 1969, when Hoover suggested the tap program be started and specifically mentioned Halperin as a subject for surveillance.

"There is no documentation of such a meeting, although the Nixon White House was noted for its detailed record keeping."

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