

Nixon, 2 Aides Must Pay Damages for Phone Tap

Washington

A federal judge ordered former President Nixon and two officials of his administration yesterday to pay damages to a national security aide whose telephone had been tapped by the government.

The two Nixon officials named by U.S. District Judge John Lewis Smith Jr., were former Attorney General John N. Mitchell and former White House chief-of-staff H. R. Haldeman.

Smith said he will determine

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officials were not liable for damages.

Halperin sought civil damages of \$500 for each day the tap was in place on his home telephone.

Smith said the wiretap on Halperin's telephone was authorized by Mitchell on May 12, 1969, and remained in place for 21 months. Halperin left the government before the tap's removal and engaged in anti-war activities.

The judge said Mr. Nixon was liable for damages for having initiated and overseen a program of wiretaps the judge described as a "dragnet" — without limits as to how long the wiretaps would remain in place or what information would be monitored.

He said Mitchell was responsible because he failed to carry out obligations to review his authorization of the wiretap and decide whether to renew it.

He said Haldeman was liable "for having reviewed the material for purposes unrelated to the tap's original justification."

The judge said the original purpose of the wiretap a program authorized by Mr. Nixon was to monitor persons suspected of leaking information that could be damaging to national security or the country's foreign policy.

However, the judge said infor-

later, after receiving arguments on the question, the amount the three must pay in damages to Morton H. Halperin, a former chief of the National Security Council Planning Group.

Smith's ruling came in a damage suit brought by Halperin against Mr. Nixon, Mitchell, Haldeman and other officials, including Secretary of State Henry A. Kissinger and former presidential aide John Ehrlichman.

The judge said the other offi-

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mation gleaned from the wiretap apparently was used for political purposes.

"Like any other citizen, these officials are charged with knowledge of established law and must be held accountable for personal misconduct," Smith said.

The judge said the wiretap violated the guarantee against unreasonable search contained in the Fourth Amendment to the Constitution.

He said the tap invaded Halperin's "privacy and freedom of expression."

Smith said that Kissinger, through General Alexander M. Haig of the White House staff, provided Halperin's name to the FBI.

But he said neither Kissinger nor Haig should be held legally liable because of "their inactive role and the lack of oversight authority" assigned to them.

In his decision, the judge said, "the wiretap on Halperin and his family was maintained for a period of 21 months. At no time were there any reviews or evaluation of the material obtained through the electronic surveillance . . .

"Numerous summary letters in the later course of the surveillance relate solely to Halperin's political activities and beliefs.

Associated Press