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(orig under Stern)

CONTROVERSY OVER DESTRUCTION OF CIA WATERGATE TAPES

TOM BROKAW: Tape recordings are back in the news from Washington, tonight, this time from the Central Intelligence Agency. Apparently the CIA destroyed some tapes on Watergate after Senator Mansfield asked it not to...

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BROKAW: The Central Intelligence Agency had tape recordings of telephone conversations about Watergate involving high CIA and White House officials, possibly even some with President Nixon. All but one of those tapes now has been destroyed. CIA Director William Colby said today, the CIA routinely destroys such recordings. The one recording that was kept was a talk between E. Howard Hunt and General Robert Cushman, once the Deputy CIA Director, and as we learn from Carl Stern, the destruction of the CIA tapes may not have been at all that routine.

CARL STERN: There is now the possibility, although the agency denies it, that someone at the Central Intelligence Agency purposely ordered the destruction of Watergate evidence. At issue are conversations that were tape recorded in the month that followed the break-in, between then-CIA Director Richard Helms and his deputy, Vernon Walters, and Pat Gray, John Ehrlichman, John Dean, and possibly even the President. Dean has testified that the White House tried to enlist the CIA in the Watergate cover-up.

It was disclosed yesterday that the tapes no longer exist. The CIA said they were made routinely and destroyed routinely, on January 18, 1973. But on January 16, 1973, Senate Majority Leader Mike Mansfield sent this letter to the various agencies that might have Watergate evidence, asking them to make sure to hold onto it.

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Vulnerable Federal Agencies

C. M. Kelley, director of the Federal Bureau of Investigation, says his agency will ask for legislation to permit revival of counterintelligence tactics in the event of a sudden national emergency. The director does not want to discuss what specific tactics he refers to, but he does say:

"In situations . . . we have never contemplated might exist, we're going to possibly need something that will give us just a stopgap type of operation so we can handle it."

Kelley would have a review board determine when an emergency existed until Congress could consider more permanent action. If Congress did nothing, the FBI presumably would cease such operations after a period of time somewhat in the manner of the war powers limitations now restricting presidential action.

All of this may be reasonable from the viewpoint of speedy law enforcement, and when an FBI director considers his responsibilities, it is natural for him to want all the room he can get. Kelley, himself, is not the type to trample on individual liberties in the name of expediency. But Kelley will not always be director of the FBI and laws cannot be made to fit incumbents.

We wonder whether this is the time—or if ever there is a time—to ask for advance permission to deal with a vague condition of peril in the future.

The country has gone through a series of shocks in which the spirit or form of the law was bent or broken in the name of the national good. The bugging of the Democratic National Headquarters in the Watergate and the burglary of the office of Daniel Ellsberg's psychiatrist were not questioned because the operatives said they assumed that orders so close to the pinnacle of power in the White House would be properly authorized or at least very necessary.

A very short time ago the man who preceded Kelley, L. Patrick Gray, told the Watergate

committee that he had destroyed papers taken from the safe of E. Howard Hunt. They were forged documents that purported to implicate the Kennedy administration in the assassination of President Diem of South Vietnam. Gray said it was his understanding that John Dean wanted him to destroy the papers and that he did.

Gen. Vernon A. Walters testified that as deputy director of the Central Intelligence Agency he attended a meeting with Richard Helms, director, and H. R. Haldeman and John Ehrlichman in which references were made to an FBI investigation of money found on the Watergate burglars that had passed from campaign contributions through Mexico. Walters said they were told that they should tell Gray that any further FBI investigation would endanger CIA operations. The testimony of Helms, a few days earlier, was similar. Walters and Helms refused.

The point of this recent history is that even agencies such as the FBI and the CIA are not immune from attempted manipulation by politicians and other government officials even under present law. The temptation is always there. The difficulty of the Kelley proposal is who might decide what constitutes a national emergency sometime in the future.

Not long ago someone considered it justifiable to break into a party's national headquarters and to rifle a psychiatrist's files and to involve the heads of the FBI and the CIA—the two most sensitive governmental agencies in the country—in an attempted cover-up. Such temptations should be removed, not extended.

Behind the Spying: Foreign Policy Without the Pentagon

It would be a mistake, it seems to me, to make dire and doleful predictions about the state of the union on the basis of the latest revelations about spying in the White House.

That a low-level secret agent tried to keep the Joint Chiefs of Staff informed about what Henry Kissinger and President Nixon were up to with the Chinese and the Russians does not suggest "Seven Days in May" or a military takeover.

But it does suggest something more realistic and almost as important: It suggests that, for the first time since World War II, we have been making foreign policy without the generals and the admirals. That fact must have come as a terrible shock to the generals and the admirals, and now that the secret is out, we can expect that there will be a battle to recapture lost ground.

If the Pentagon is to be deprived of its foreign policy role, the Pentagon

will lose power; not only that, generals and admirals will lose jobs. As the spy incident reveals, they are not going to take this lying down.

It seems clear, in retrospect, that the famous leak of the National Security Council minutes in which Kissinger quoted the President as having ordered him to "tilt toward Pakistan" was part of the Pentagon's counterattack. The reasoning of the generals and admirals cannot have been ideological. India has few friends among the military, and Pakistan has many. So the generals and admirals must have agreed with the President's foreign policy. What maddened them was that they were not making it.

In retrospect, too, the President and Dr. Kissinger were probably right in their fear that the Pentagon might learn of their initiatives—particularly of their initiative toward China. Kissinger was convinced that the generals and the admirals would warn the

right wing in Congress of his approach to the world's second Communist power and that the resultant furor might defeat him. For the same reason he feared telling the Japanese, whose ties with Taiwan gave them access to the American right.

So the battle lines are now clearly drawn.

On the one side are career officers long-accustomed to making foreign policy. The way to promotion in the services is by serving on staff, and preferably on staff Washington.

Young men who graduate from West Point or Annapolis, and who want to get ahead, look for appointments on the staffs of the secretary of defense or of the army or of the navy or of the Vice President; and failing these, they look for jobs on the staffs of some interagency planning and operating mechanism.

That was the route of the Marine Corps' Gen. Robert Cushman and of his successor as deputy director of CIA, Gen. Vernon Walters. The President's assistant, Gen. Alexander Haig, rose the same way. Service in the field, particularly on the battlefield, is still essential, but it is no longer the only essential. Former Defense Secretary Robert McNamara set down the rule that no man could rise above the rank of colonel without staff service. McNamara may have had the soldier-statesman in mind. The soldier-politician was one result.

On the other side is Henry Kissinger, who, from the moment he came to the White House, was determined to cut the Pentagon's power over the making of foreign policy. Now that he has become institutionalized in the State Department, he will be even more determined.

The battle will be tough. I hope Kissinger wins.

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