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Washington: The Kennedy-Hoover Controversy

By JAMES RESTON

WASHINGTON, Dec. 13—The chairman of the House Judiciary Committee, Emanuel Celler of New York, said this week that official wiretapping was so widespread that nobody in Washington could be sure his telephones were private.

This is true, but it gives a false impression. The F.B.I. is under strict orders now to tap telephones and use other listening devices only in cases "involving national security," but the definition of "national security" is so vague that the F.B.I. has been able to interpret the term about as it liked.

For example, the F.B.I. has been bugging the telephones of foreign embassies, not merely to gather military information that could be vital during a major crisis, but to get diplomatic information that might be useful in some awkward diplomatic situation.

The King Incident

Also, the Government, beginning with the Kennedy Administration, is reported to have listened in on the telephone conversations of Martin Luther King, the Negro leader, during the racial disorders, for reasons best known to itself. Was this done for reasons of national

security? Who authorized the taps? We do not know.

What we do know is that information gathered in this manner was discussed with newspaper reporters by high officials of this Government.

The problem is not that the F.B.I. is running around tapping the phones of newspapermen, though that has undoubtedly been done too in an effort to discover the sources of published security information. The problem is that nobody seems to know what the F.B.I. has been doing in the past, and nobody can be sure that his conversations are not being recorded when he telephones an embassy or even a Government department.

Senator Robert Kennedy of New York, for example, says that he was not aware of all the F.B.I.'s eavesdropping activities when he was Attorney General. J. Edgar Hoover, Director of the F.B.I., says this is "absolutely inconceivable," and it is at least a little odd.

J.F.K. on the F.B.I.

For if Mr. Kennedy didn't know, either he wasn't doing his job or Hoover was going beyond his instructions. And if Kennedy did know, he was condoning what he now condemns.

The Kennedy testimony now certainly does not jibe with what the Kennedys were saying at the beginning of the Kennedy Administration. John F. Kennedy's first two appointments when he entered the White House were J. Edgar Hoover at the F.B.I. and Allen Dulles at the Central Intelligence Agency.

At that time President Kennedy explained privately that Mr. Hoover would be following much stricter orders in the new Administration than he had under President Eisenhower. And the Justice Department at that time explained that henceforth Attorney General Kennedy would supervise the activities of the F.B.I. and would be the personal liaison on F.B.I. matters with the President. During the Eisenhower Administration, and again in the Johnson Administration, Mr. Hoover had direct access to the President, rather than working through the Attorney General.

President Johnson is staying out of the Kennedy-Hoover controversy. He is managing to restrain his grief over seeing the Senator in an embarrassing situation with Mr. Kennedy's new-found liberal supporters. The attitude at the White

House is that, whatever was wrong or slack about wiretapping in the past, all is well now and nobody need fear the F.B.I. unless he is engaged in crime or plotting the overthrow of the Republic.

The Long Inquiry

The problem, however, can scarcely be left there. Senator Edward V. Long, head of the subcommittee investigating wiretapping, has promised to invite Mr. Hoover and Senator Kennedy to testify at a public hearing on what did go on at the Justice Department when these two men were partners in anti-crime.

This is not likely to get very far. The subject is too delicate to be discussed in specific detail at a public hearing. Mr. Hoover obviously cannot put all the papers on the table, as Senator Kennedy knows very well.

But the President could deal with the problem personally. He could define the limits of legitimate wiretapping more strictly. He could seek new legislation to deal with it. But unless he does, the doubts about wiretapping will continue, and add to the "credibility gap," which is already poisoning the Administration's relations with the public.