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RUSK IS PRESSED ON 'SHADOWING'

Edward Kennedy Questions
Surveillance of Professor

Special to The New York Times

WASHINGTON, March 23—

Senator Edward M. Kennedy demanded today that the State Department explain its legal authority for "shadowing" American citizens traveling abroad.

In a sternly worded letter to Secretary of State Dean Rusk, the Massachusetts Democrat expressed "dismay" to learn that some American travelers are subjected to surveillance by their Government because of their political beliefs.

"I would have assumed that the granting of a passport carried with it for each citizen the privileges given to all citizens and that all passport bearers would have their privacy assured and be able to travel without embarrassment," the Senator wrote.

His protest was prompted by the disclosure today that the State Department earlier this month had ordered the American embassies in Paris and Moscow to impose surveillance over the activities of H. Stuart Hughes, a professor of history at Harvard University, because of the Federal Bureau of Investigation's suspicions about his political beliefs.

'Gentleman of Integrity'

As an independent candidate, Dr. Hughes was an opponent of Senator Kennedy in the 1962 senatorial campaign. Senator Kennedy said in his letter that "while I have had serious disagreements with him on matters

of policy, I have always considered Professor Hughes to be a gentleman of integrity who has expressed his convictions in an honest and forthright fashion."

The orders for surveillance of Dr. Hughes were subsequently rescinded by the State Department. But the department today left open the possibility that it would reorder the surveillance if requested to do so by the F.B.I. when Dr. Hughes makes a trip to Europe next fall.

The surveillance was ordered on March 8 in an airgram to the two embassies. The airgram was sent in the name of Miss Frances G. Knight, head of the department's Passport Office.

It was rescinded in a March 16 cable ordered by Miss Knight's superior, Philip B. Heymann, who recently became acting director of the department's Bureau of Security and Consular Affairs.

Rebuke Denied

The State Department emphasized today that Mr. Heymann's action was not intended as "a rebuke," to Miss Knight. It was explained that Mr. Heymann, first in a discussion with Miss Knight and then in a March 14 memorandum to her, had attempted to clarify procedures for ordering surveillance by making clear that any such requests would have to be approved at the "bureau level" in the State Department.

As was acknowledged today by a department spokesman, Mr. Heymann intervened in the case without knowing that the F.B.I. on Feb. 6 had requested surveillance of Dr. Hughes.

The March 8 airgram stated that Dr. Hughes "reportedly in the past has had strong convictions toward Communism." It also said that, according to a newspaper article, "Mr. Hughes had testified on behalf of Robert A. Soblen, a convicted spy, at a hearing for a retrial."

Hughes Comments

Dr. Hughes, in a telephone interview, explained in Boston today that he had testified at the second trial at the request of Dr. Soblen's defense lawyer "because of my special knowledge as a former O.S.S. officer. [Office of Strategic Services] of the job that Dr. Soblen had done for that organization."

"I testified that in doing his job, Soblen did not have access to information on highly secret weapons," Dr. Hughes said.

Since giving that testimony in 1961, he observed, he has made three trips to Europe with no indication that he was under surveillance. He sug-

gested that the "sudden interest on the part of the F.B.I. must be connected with my outspoken opposition to the war in Vietnam."

Dr. Hughes said he declined to "dignify" the charges about Communism by commenting on them. But he said, "My views on Communism are a matter of public record" and are spelled out in his book, "An Approach to Peace and Other Essays," published by Atheneum in 1962.

Department's Position

The State Department was taking the position today that in sending out the surveillance order it was only complying with a request from an investigatory agency. Such requests are routinely relayed to foreign embassies by the Passport Office, officials explained.

State Department sources did not say how many such requests were received, but it was estimated that they might run to hundreds a year. The F.B.I. declined to comment on the request for surveillance of Dr. Hughes.

Senator Kennedy wrote Mr. Rusk:

"I would not like to see our embassy personnel involved in the shadowing of U. S. citizens. The embassies are considered a source of protection to citizens abroad when needed, not a center for investigation.

"I feel it is most important to determine who makes the judgment that a traveling citizen is pro-Communist, whether that judgment is confirmed by the Passport Office when it transmits a request for surveillance, and what further use is made of such a determination and of any information obtained by this investigatory activity among the various government agencies."

In an interview last Saturday, Miss Knight denied any knowledge of the March 8 airgram, asserting that it had been sent during a five-week period in which she was absent from her office. But a department spokesman said that records on vacations and sick leaves did not show that Miss Knight was absent from her office from March 6 through March 8.

Miss Knight could not be reached for comment today. A State Department spokesman said that he could not confirm that she had signed the airgram.

The presumption, he said, was that in accordance with the operating procedures of the Passport Office, the airgram was signed in her behalf by a subordinate. But, he continued, the airgram was sent in Miss Knight's name, and "she has the responsibility for it."