

# All in the Family

N.Y.T. 1/2 6/76

By William Safire

WASHINGTON—Mafia mobsters and Kennedy mythkeepers can heave sighs of relief; Frank Church's cover-up committee has decided not to question Frank Sinatra on his role in making possible the first penetration of the White House by organized crime. Nor will Senator Church ask the F.B.I. to investigate the first murder of a prospective Senate witness.

The reason can be found in the way the committee staff was organized. Frank Church first asked John Doar, fresh from impeachment triumphs, for advice. After peopling the committee staff with members of the Kennedy Protective Society, Mr. Doar recommended Burke Marshall (the lawyer Ted Kennedy called in panic from Chappaquiddick), who told Senator Church he would serve as a consultant recruiting suitable lawyers, and who recommended F.A.O. "Fritz" Schwarz, Jr. to be staff chief.

Count the connections. Mr. Schwarz is a partner of Cravath, Swaine and Moore, the New York law firm that represents IBM; Burke Marshall, a Kennedy Assistant Attorney General, was IBM general counsel from 1965 to 1970; Nicholas Katzenbach, Kennedy Deputy Attorney General, followed him as IBM general counsel, working closely with Mr. Schwarz at Cravath. Roswell Gilpatric, Kennedy Deputy Defense Secretary, is the top man at Cravath.

Now count the cover-ups.

1. *The Ramsey Clark-John Doar cover-up.* As the Church committee blamed J. Edgar Hoover for abuses under Presidents Kennedy and Johnson, no spotlight was focused on the infamous Sept. 27, 1967, memo from Assistant Attorney General John Doar to his boss, Ramsey Clark.

In the Doar plan, approved by Mr. Clark, snooping on dissident groups was raised to a fine art; Mr. Doar urged that the I.R.S. be used, especially its alcohol unit in ghetto areas, and went on: "The Narcotics Bureau is another possibility, and finally, my experience in Detroit suggests that the Post Office Department might be helpful." Mr. Doar was never called; Mr. Clark was never asked to explain. But C.I.A. men are facing grand juries now about their postal "experiences."

2. *The Katzenbach cover-up.* Robert Kennedy's deputy and successor angrily demanded a retraction when I suggested he condoned the scandalous wiretapping and bugging of Martin Luther King Jr., but he professed to amazement when later confronted with his initials and handwriting on scurrilous eavesdropping reports. An aggressive committee lawyer could have forced out more of the truth about the worst abuse of police power

in our time—but Mr. Katzenbach easily ducked the committee's marshmallows.

3. *The Roswell L. ("Dearest Ros") Gilpatric cover-up.* In the cases of his partner, Mr. Gilpatric, and his client, Mr. Katzenbach, Church Counsel Schwarz scrupulously "recused" himself, but the staffers who worked with him got the picture.

Although Mr. Gilpatric was the highest-ranking Kennedy aide working on "Operation Mongoose," the undeclared war on Cuba, the Church interim cover-up plays down his role. And a "Mongoose" plan for "incapacitating" Cuban sugar workers by spraying chemicals on them is dismissed by Church staffers with, "After a study showed the plan to be unfeasible, it was canceled."

The Church staff chose not to make public the memorandum in its possession that casts a different light on the matter. "In the office of the Attorney General," to use a recently favored term, a plan was seriously discussed to launch a chemical attack on Cuban workers (the chemical had a mortality

## ESSAY

rate of "only 3 percent") and it was postponed for two specific reasons: (1) Harvest time was past, and (2) the Kennedys could not get their hands on enough of the chemical at that time.

4. *The Kennedy tainting-of-evidence cover-up.* Senator Church has touched gently on wiretaps approved by Attorney General Robert Kennedy on "at least six" American citizens.

This has not been revealed: One of those taps—and the reason for Senator Church's "at least six" fuzziness—was on a Washington law firm. One imagines that a firm of lawyers has more than one client; those lawyers sometimes work on more than one case.

As we have seen, even inadvertent intrusion taints evidence, and Kennedy Justice Department lawyers were duty-bound to tell every court on every case handled by that tapped law firm just what if anything was overheard. Did they? Did Senator Church ask?

The law firm has requested that the Church committee withhold its name, as I have done, to protect a victim's privacy, but the Churchmen went on from there to conceal the fact of the tapping of a law firm entirely, which only protects the perpetrator's privacy.

Perhaps the tap was so surgical it involved no other clients, and never picked up legal advice—that's for the American Bar Association to demand to know. But of one thing we can be sure: Any lawyers overheard talking to their clients in 1962 did not belong to that well-connected, all-in-the-family firm of Cravath, Swaine and Moore.

By William Safire

WASHINGTON, Jan. 28—In our last episode, readers were left breathless by revelations of an interlocking directorate of Old Kennedy Hands who set up the Church committee staff in a way that makes easy the cover-up of abuses of power in the sixties.

In today's episode, we go from cosy relationships to actual relatives.

1. *The brother-in-law.* Rule 6.4 of the Church committee calls for the committee to "endeavor to obtain voluntary counsel" for witnesses.

Sounds like an admirable service for indigents. In practice, this is how it worked: A Kennedy appointee named Daniel Reznick, of Arnold and Porter, then head of the D.C. Bar Association, was asked to draw up a list of attorneys with top-secret clearances. His friend, John Denniston—a Government contract man at Covington and Burling—came up with a secret list of lawyers to receive the business (for a fee—"voluntary" has not meant free).

When Judith Campbell Exner was called, her lawyer also represented Robert Maheu (interesting lead) and begged off; a Church staffer then called the handful of approved lawyers to see who was available quickly. No volunteers.

Then, with the approval of F.A.O. Schwarz 3d, chief Church counsel, the woman who was President Kennedy's Mafia link was put in touch with a member of the law firm of the Kennedy brother-in-law, Sargent Shriver. Such referral is improper on its face; no investigating body can ethically recommend specific lawyers to witnesses. The Shriver firm did represent her at the committee and did discuss fees for future representation.

But the committee insists its staff did not know Mr. Shriver was in that law firm it told Mrs. Exner to call; Mr. Shriver insists the lawyer on his staff who took the job didn't clear it on high. If you believe all that, give my regards to the Tooth Fairy, but remember this incident when Mr. Shriver delivers his delegates to Mr. Church at the convention.

2. *The son-in-law.* One of the four "risk forces" of the Church committee concerns itself with military intelligence abuses, and has been investigating the Defense Department, and the National Security Agency.

Naturally, a key witness has been Robert McNamara, the Kennedy-Johnson Secretary of Defense whose computer-like mind has emptied its memory bank of all recollection of assassination plots.

Whom did Frank Church select to be the deputy chief of this military intelligence section? Answer: Barry Carter, a former Kissinger protégé, a brilliant mind, a likely future leader

of the national security establishment, whose experience qualifies him in every way for the job. One small problem: for seven years, up to two years ago, he was Robert McNamara's son-in-law.

"Not one scintilla of evidence," to use John Tower's favorite phrase, suggests that Mr. McNamara's former son-in-law was not fervent and relentless in his pursuit of any transgressions by his former wife's father. Mr. Carter asserts he avoided the assassination area entirely, and points with justifiable pride to his work on the "Shamrock" intercepts of cable traffic. We shall see how the final report treats Kennedy-Johnson intelligence abuses in the military area.

But is this not what Senator Church would call in others "the appearance of conflict of interest"? The rough equivalent would have been for Leon Jaworski to hire Ed Cox or David Eisenhower to investigate Richard Nixon.

3. *The son.* From the very nave of the Church committee, sources report that when staffers went up to the Kennedy Library in Waltham, Mass., suspicious gaps were discovered in the telephone logs of the President's calls. Nor was there any record of a private telephone, installed in a tiny room just off the Oval Office, where Mr. Kennedy made private calls outside the White House switchboard.

One Church staffer, however, who has tried unsuccessfully to link President Eisenhower to the Lumumba assassination, was especially warmly received at the Kennedy Library.

He is Peter Fenn, and he is the son of Dan Fenn, the former assistant to President Kennedy who is now the director of that same Kennedy Library. Mr. Fenn the younger was given free access to the files of Robert Kennedy there by Mr. Fenn the elder, and cynics will question whether a vigorous search for Kennedy wrongdoing was conducted.

Now, if Frank Church—who needs Kennedy support in his Presidential candidacy—wants to do Ted Kennedy a favor by putting a 25-year-old kid at the public trough for \$400 a week for six months, that's politics. But isn't it a bit unfair to young Mr. Fenn, who is Senator Church's son's best friend, to start him off in a situation with such an apparent conflict of interest? Let's assume he's a nice, honest, idealistic young man—why break him in on a cover-up?

Old-fashioned nepotism is not at issue here, nor are the young staffers culpable. Instead, we see what happens when a Certified Good Guy is convinced he has the press in his pocket: Arrogantly, brazenly, Frank Church has turned his investigation into a relative thing.

All in the Family: II

N.Y.T.

1 page