

Previous Break-Ins Claimed

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President Nixon triggered a new controversy yesterday with his contention that "burglarizing" on national security suspects was approved "on a very large scale" in the Kennedy and Johnson administrations.

Mr. Nixon told his press conference that the practice "was quite well known" from 1961 to 1966, but Justice Department officials during that period strongly disputed his claim.

Nicholas deB. Katzenbach, who was, successively, assistant attorney general, deputy attorney general, and Attorney General in the years Mr. Nixon referred to, said, "Here's one guy who didn't know of it."

"I have no knowledge of any such burglarizing and I don't believe it ever occurred," Katzenbach said.

White House officials, citing the "sensitivity" of the national security matters that were involved, declined last night to provide specific evidence to support the President's claim, but insisted he was correct.

In his press conference, the Chief Executive cited the precedents of his two predecessors and a disputed Supreme Court decision to show he had not "violated the oath of office," as a reporter suggested, in approving a 1970 national security plan which authorized illegal breaking and entering at the premises of security suspects.

Mr. Nixon said in May of this year that the plan was

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revoked after only five days, because of the opposition of the late FBI Director J. Edgar Hoover, and was never put to use.

In defending the legality of the plan yesterday, the President first contended that the Supreme Court in "an opinion last year . . . indicates inherent power in the presidency to protect the national security in cases like this."

J. Fred Buzhardt, special counsel to the President on Watergate and related matters, said later Mr. Nixon was referring to the case of U.S. vs. U.S. District Court, which was debated at length last month before the Senate Watergate committee.

Former presidential aide John D. Ehrlichman and his lawyer, John J. Wilson, contended that when the Supreme Court unanimously ruled the Nixon administration had exceeded its authority by wiretapping without court order in domestic national security cases, it left open the question of the legality of extraordinary measures directed against "foreign powers or their agents."

Sen. Sam J. Ervin Jr. (D-N.C.) and others on the committee disputed that interpretation.

After citing this case yesterday, Mr. Nixon said: "I should also point out to you that in the three Kennedy years and the three Johnson years through 1966, when burglarizing of this type did take place, when it was authorized on a very large scale, there was no talk of impeachment. And it was quite well known."

The President provided no examples and Buzhardt said in an interview that the "sensitivity of subject is such I would not undertake to spell out the specific instances."

"But I know the President is right," Buzhardt said. "He is right—in spades."

The White House lawyer referred a reporter to the section of the President's May 22 statement in which Mr. Nixon said the 1970 intelligence plan was needed because in 1966 "certain types of undercover FBI operations that had been conducted for many years had

been suspended." These, he said, "had included authorization for surreptitious entry—breaking and entering, in effect—on specified categories of targets in specified situations related to national security."

On May 23, a high-ranking current official of the Justice Department told The Washington Post that the suspended activities had included wiretapping, hidden microphones, covert mail covers and "getting things from inside places" that were under surveillance.

But Katzenbach said that in the five years up to 1966, when he was in the Justice Department, "I know of no burglarizing that took place and none that was authorized."

"If the President is going to say things like that," Katzenbach added, "he ought to say who authorized it and who knew about it. The blanket charge is unfair."

Two former assistants to the late Robert F. Kennedy, Katzenbach's predecessor as Attorney General, said in separate interviews that they were skeptical of the President's statement.

"I have no idea at all what he was referring to," said Edwin O. Guthman, now an executive of the Los Angeles Times. "I wish someone had asked him the question."

Another Kennedy aide, John Seigenthaler, now publisher of The Nashville Tennessean, said there was "absolutely nothing" like that, and it would have been "totally impossible" for it to occur.

A fourth official from that era, now a judge, declined to speak on the record but said he had seen no evidence of such activities. But he added that, "if there were any, it would have been in the investigative agencies, and they're certainly never going to put in their reports that information came from a burglary. They'd say it came from a highly confidential source."

In his press conference yesterday, Mr. Nixon also said—as he has previously—that his two Democratic predecessors had used wiretaps more extensively than he has and had installed electronic recording equip-

ment in the White House for Secret monitoring of conversations.

Officials of the Johnson administration have said previously that Mr. Johnson recorded phone calls and conversations only occasionally, and not automatically, as Mr. Nixon did for the last two years. Kennedy aides have said they knew of no such practice in his administration.