

Treaty Drive Jolted by New Hoover Letter

Mundt Cites Note In Opposing Soviet Consulates in U.S.

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An Administration drive for Senate approval of the side-tracked American-Soviet consular treaty yesterday bumped into FBI Director J. Edgar Hoover and Republican Leader Everett M. Dirksen.

Secretary of State Dean Rusk, backed by an array of high State Department officials, termed the treaty a limited but important measure "to reduce tension" between Washington and Moscow.

Dirksen, after a GOP Policy Committee meeting, told newsmen that "as of now" he opposes the treaty unless it is modified.

If the treaty, which requires a two-thirds vote of the Senate, goes down to defeat, or is pigeonholed again, it could be a serious blow to the Johnson Administration's East-West "bridge building" policy. Last week, Dirksen, in the name of the GOP leadership, disputed the wisdom of that policy while the Vietnamese war continues.

Additional risks of espionage raised by the treaty are "minimal," Rusk told the Senate Foreign Relations Committee.

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tee headed by Sen. J. William Fulbright (D-Ark.). Only "10 or 15" persons would be in one contemplated Soviet consulate in this country, said Rusk, while the treaty would "permit the United States promptly to protect and assist its citizens when they are arrested and detained in the Soviet Union."

The "excellent work of the Federal Bureau of Investigation in controlling possible espionage" by foreign agents, was acclaimed by Rusk. "I believe they can cope with a few more—a belief with which,"

Rusk said confidently, 'as you know, Mr. J. Edgar Hoover is in basic agreement.'

But a short time later it was not at all clear with whom Hoover was in basic agreement. Almost everyone, it seemed, had their own letter from Hoover.

Rusk was citing a letter exchange with Hoover, made public last week. In it, Rusk drew from Hoover the acknowledgment that while testimony by Hoover in 1965 was "widely interpreted" as "opposition" to the treaty, Hoover, in Rusk's words, was "not expressing any judgment" about "countervailing advantages" for American and Soviet citizens under the treaty.

Chairman Fulbright, who strongly supports the treaty, then produced his Hoover letter. It was dated Jan. 20.

Hoover told Fulbright that Rusk was "basically correct in his assumption that rather than my opposing a Consular Treaty" in 1965, "I had pointed out . . . the possibilities of an increased problem of internal security proportionate to the number of consulates to be established. I did not imply that this problem could not be handled by the Federal Bureau of Investigation." Hoover said he saw no need for him to testify in person.

Then Sen. Karl E. Mundt (R-S.D.), a persistent critic of the treaty, dramatically produced his own exchange of letters with Hoover. Hoover's reply to Mundt was dated yesterday, and produced at Mundt's urgent request to have a reply "delivered by hand by Monday noon . . ."

Referred to Testimony

Mundt's letter referred to testimony by Hoover in 1965 that was used by the treaty opponents on the Committee to bolster their opposition to it. The treaty, under consideration since 1959 and signed in 1964, was approved by the Committee in 1965 on a 19 to 5 vote, but never came to a full Senate vote.

Mundt's letter asked whether Hoover's letter to Rusk

meant he was changing his 1965 testimony.

Hoover, in his letter to Mundt, gave an "emphatic no." He said he was not saying that the FBI is "incapable of handling" the "additional burdens" that the treaty would put on the FBI.

But, said Hoover, "The simple fact is that the work of the FBI in combatting Soviet-directed espionage activities in this country has increased through the years commensurate with the increase in Soviet representation here."

Testifying with Rusk in support of the treaty was Under Secretary of State Nicholas deB. Katzenbach, Hoover's former boss as Attorney General, and Foy D. Kohler, Deputy Under Secretary of State and former ambassador to Moscow.

The technical center of the controversy is the grant of immunity from prosecution that would allow Soviet consular officers and employes in this country to have the same immunity rights as diplomats. Katzenbach, countering the security fears, noted that even

without the treaty the Soviets could bring in additional persons as diplomats.

Sees 'Breakthrough'

Rusk said, "I don't look upon this treaty as conferring a favor to the Soviet Union," but as providing, as Kohler termed it, a "breakthrough" in obtaining access to Americans in a closed society.

Fulbright said the Committee may vote on the treaty today, without further new hearings. He expressed confidence it will win the necessary two-thirds vote in the Senate, for ratification.

But Dirksen said "there are a good many misgivings about the treaty" among Republican Senators over the "immunity" clauses. He said a "modification" by amendment might make it acceptable to him. But that would require re-negotiation which could mean the death of the treaty.

At yesterday's hearing Mundt assailed the treaty as a "masterpiece of bad timing" and challenged ratification when there is "a war on in Vietnam" and the Russians are supplying all or nearly all of the sophisticated weapons for killing Americans."