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What's Bugging Bobby Kennedy?

AT FIRST it appears to be a semantic problem, nothing more; but as one looks more closely, it becomes a titanic character struggle, an unfortunate consequence of which is that it leaves everyone wondering whether J. Edgar Hoover or Sen. Robert F. Kennedy is telling the truth, and practically no one wondering why either of them should think there is a great deal here to hide, i.e., to be worth telling falsehoods about.

The first distinction is between the wire tap and the microphone (bug). The use of the wiretap is regulated by law; not so the bug, which was invented years after the wiretap law. For some reason (inertia), Congress hasn't got around to extending to bugs the reservations it insists on with reference to wiretaps.

The general feeling in the Justice Department, however, has been that it would be unsportsmanlike to take advantage of the technicality by using bugs with abandon. And so the dispute is over the question whether, when Hoover used his bugs, Kennedy, as Attorney General, was aware of their use, even as he acknowledges being aware of the use of wiretaps, as regulated by Congress.

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CERTAINLY Hoover seems to have got the best of the credibility argument.

Kennedy said publicly that he was not aware that bugs were being used. Whereupon Hoover promptly produced a letter signed "Robert F. Kennedy" raising the question of leasing telephone lines which would connect up to the FBI's bugs.

Kennedy retaliated by producing a contemporary affidavit from one Evans, a former liaison official between himself as Attorney General and the FBI, which affidavit stated that he (Evans) had never spoken to Kennedy on behalf of the FBI, on the subject of bugs.

Whereupon Hoover produced a memorandum from the same Evans dated 1961 in which he reported that he had discussed with Kennedy, at the request of Hoover, the use of microphones under certain circumstances, and Kennedy had expressed himself as "pleased" that these should be used, subject to the self-denying ordinance, "where possible in organized crime matters." Question: Is Evans (who is no longer with the FBI) more credible in 1966 about what he did in 1961; or more credible in 1961

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And then there are several witnesses who were in the same room with Kennedy when he listened to a taped conversation in Las Vegas between two hoods discussing the unhappy local appointment of an honest police chief. Brace yourself. Kennedy said he didn't know the conversation had been eavesdropped! He thought, presumably, he was listening to CBS.

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WHY DID Kennedy do it? Let us disdain the moral questions, inasmuch as they are generally thought to be tangential in politics, and wonder not why Kennedy told an untruth, but why he thought he could get away with it?

Hoover is a meticulous man. It is his profession to safeguard evidence. How very unlikely that he would be without the evidence to back up his statement that Kennedy had been continuously aware of eavesdropping activities by the bureau.

More likely Kennedy thought that Hoover had the evidence, all right, but that he would not use it, so covetous is he for the privacy of his files. But Hoover had been maneuvered into an impossible situation. Unless he denied Kennedy's public charge of last June that the FBI acted without authority in bugging the Las Vegas hoods, the FBI was acting in effect outside the law. It is difficult for a man whose profession has been as chief law-enforcer of the nation to accept lightly such a stigma.

It is strange that Kennedy didn't get his man; stranger still that he did not know his man.

And, finally, the most interesting point of all. Why is Kennedy running so heatedly for cover? Congress has authorized the wiretap under certain circumstances, and inferentially the microphone. In the middle of President Kennedy's term, an assistant attorney general wrote to Sen. Samuel Ervin stating that 79 wiretaps were in use, and 67 bugs. We now know that they were being used with the explicit approval of Kennedy, indeed that he was "pleased" at the knowledge that they were being used. Why now is he so ashamed?

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PRESUMABLY because the ideological objection to eavesdropping is fanatically construed in quarters whose good graces Kennedy seeks ardently to sue. There are people in the world whose opposition to eavesdropping sometimes seems so total that they would object to eavesdropping into a conversation that foretold an intention to launch Pearl Harbor.

A vigorous defense by Kennedy of the use of bugs under certain circumstances — under such circumstances as he authorized during his tenure — would have been bracing to the realists, but Kennedy — the same Kennedy who began his tenure as Attorney General by asking for an even wider use of eavesdropping mechanisms — has learned his liberal catechisms indelibly, and is, until the spell is broken, completely in thrall.