

# Nixon Stirs Up a New Controversy

By David S. Broder  
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## Washington

President Nixon triggered a new controversy yesterday with his contention that "burglarizing" of 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. Later yesterday, Justice Department officials during that period strongly disputed his claim.

Nicholas 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 they 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 that authorized illegal breaking and entering at the premises of security suspects.

In defending the legality of the plan, the President first contended that the Su-

preme 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 that Mr. Nixon was referring to the case of U.S. v. U.S. District Court, which was debated at length last month before the Senate Watergate committee.

After citing this case, 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.

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.