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Books of The Times

The Man and the Office

By THOMAS LASK

KENNEDY JUSTICE. By Victor S. Navasky. 482 pages. Atheneum. \$10.

"Kennedy Justice" is a sophisticated, refined and, to a nonlegal mind, exhaustive study of Robert F. Kennedy as Attorney General of the United States. But it is also much more. It's a concentrated course in the way the Department of Justice is organized and functions; a classic example of the clash between an inventive, open

concerned and engaged arm of the Government and a settled, stolid, monolithic bureaucracy; a case history of the opposition of idealism and expediency. It will define the word law in ways most laymen have not thought of. It tells how things get done and do not get done in government. It recreates on a believable plane the mystique and attraction of Robert



Victor Navasky

Kennedy. Reading this book may not make you a better man, but it will surely make you a wiser one. Central to Mr. Navasky's account and one that will save it from hundreds of similar analyses is the vibrant and dynamic personality of Robert Kennedy—not as an outstanding legal thinker, but as a human being: eager, driving, urgent. He was wedded to action not ideology. His battle cry: "What are you doing about it?"

From Problem to Problem

As everyone knows, the opposition to his appointment was loud and articulate. He had been a middling student, had never tried a case in court, had not practiced. His experience had come as counsel to the McCarthy and McClellan Senate committees on subversion and crime, which to many of his critics were arguments against him. He did not come to the office with a committed legal philosophy. As someone remarked, he went from problem to problem, not from doctrine to doctrine. But the qualities that later proved his success were less remarked on: his executive and organizational ability, a way of picking good men, a superb eye for spotting options and using them and a mind that expanded with his responsibilities. In fact the impression the author leaves is that of a man with purpose and vision hampered, blocked, impeded by political considerations, bureaucratic red tape, procedural precedents. There were enough failures during Mr. Kennedy's term, some of them profound,

and Mr. Navasky ticks them off, but these failures had less to do with cases won or lost than with the flaws and strengths of the central figure in a great drama.

Parts of "Kennedy Justice" will raise tempers, for it revives the argument between J. Edgar Hoover, director of the Federal Bureau of Investigation, and Mr. Kennedy as to whether the F.B.I. indulged in bugging without specifically letting the Attorney General know. Mr. Navasky believes it did. "If Kennedy was guilty of dereliction, the F.B.I. was guilty of deception," he says. At one point, he states that the F.B.I. asked for permission to lease a telephone wire, permission the bureau never intended to use, simply to implicate Mr. Kennedy in what was essentially extralegal activities.

The relationship of Mr. Kennedy to the F.B.I. was an intricate one, and Mr. Navasky has traced it in all its Machiavellian detail. Although technically part of the Justice Department, and therefore under the orders of the Attorney General, the bureau was run by Mr. Hoover as an independent fiefdom. It was secret, tight and impregnable. In dozens of ways it sabotaged any activity of the Justice Department it did not want to support. It gave what information it wished, revealed whatever sources it felt proper (even though they were only credit card organizations and newspaper reports), and provided only the manpower it felt like.

All this was not just a matter of bureaucratic nicety. For the results were considerable. Until Mr. Kennedy got to be Attorney General, the F.B.I., says the author, was little interested in civil rights. With his prodding, it turned to it. Mr. Hoover opened an office in Jackson, Miss., and increased the number of agents in the South. This might make it seem a victory for Mr. Kennedy. In fact it only expanded the influence of the F.B.I. without involving the bureau more than it had been in the past. Civil rights workers noted that the bureau worked closely, as it had always done, with local law enforcement personnel, who were, to the blacks, the enemy.

The bureau defended its activity on the ground that it was only an investigative agency. The result sometimes was the spectacle of Justice Department men being beaten, some unconscious, while F.B.I. agents watched and did nothing to help colleagues in their division of the Government. The indifference of the F.B.I. was one factor that activated the militants, who realized that there was no help coming from that quarter. In that regard, J. Edgar Hoover is the spiritual godfather to the Black Panthers.

Bargaining With Ross Barnett

The fault was partly Mr. Kennedy's, too. For in dealing with the civil rights movement and with the registering of James Meredith at the University of Mississippi,

Mr. Kennedy tried to let Federalism have its day and have the states do the police work he was slow to provide. The protracted bargaining between the Attorney General and the then Governor of Mississippi, Ross Barnett, over the Meredith case, has something ludicrously tragic about it.

Why didn't Mr. Kennedy take on the head of the F.B.I. once and for all and move in on Ole Miss right away? Mr. Navasky has explanations, just as he has for the choices Mr. Kennedy made for Southern judgeships and for what appears in the book to be the hounding of James R. Hoffa of the Teamsters Union. The way the law becomes the lengthened shadow of one man is one of the fascinations of this study. The account of the way the Kennedy team slowly swung Archibald Cox, an able, not say brilliant, Solicitor General, to a positive view of one man, one vote and with a feeling that something could be done about it is a small treasure.

The book is a little repetitious, as if the author, a staff member of The New York Times Magazine, was afraid his readers would not get it the first time. And a little too much is made of Mr. Kennedy's style in handling his staff. But of all the books written about the family, "Kennedy Justice" is bound to be one of the enduring ones.