

A123WX

(180) 2ND NIGHT LEAD HOOVER-KENNEDY

BY BEN PRICE

ASSOCIATED PRESS WRITER

WASHINGTON, DEC. 12 (AP)-TH

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ETHING, WHO'S-A-LIAR DISPUTE
BETWEEN SEN. ROBERT F. KENNEDY, D-N.Y., AND FBI DIRECTOR J. EDGAR
HOOVER GOT A VOLUNTEER REFEREE TONIGHT.

SEN. EDWARD V. LONG, D-MO., SAID HE WOULD INVITE A REMATCH BE-
TWEEN THE DISPUTANTS BEFORE HIS SENATE SUBCOMMITTEE ON ADMINISTRA-
TIVE PRACTICES AND PROCEDURES EARLY NEXT YEAR.

THE ISSUE WILL REMAIN THE SAME: WHO IS GOING TO TAKE THE RAP
FOR FEDERAL "BUGGING."

LONG STEPPED INTO THE MIDDLE OF THE DISPUTE BETWEEN KENNEDY AND
HOOVER UPON HIS ARRIVAL IN NEW YORK FROM A MONTH-LONG VACATION IN
GREECE.

THE MISSOURI SENATOR HAS BEEN INVESTIGATING INVASIONS OF PRIVACY
SINCE FEBRUARY 1965.

"NOW THAT SOME OF THE PRINCIPAL PARTICIPANTS HAVE OPENED UP THESE
MATTERS," LONG SAID, "WE FEEL THAT AN ON-THE-RECORD AIRING IS
NECESSARY."

LONG HAD ALREADY SCHEDULED HEARINGS ON THE WHOLE SUBJECT OF WIRE-
TAPPING AND ELECTRONIC EAVESDROPPING EARLY IN THE NEXT SESSION OF
CONGRESS

THE HOOVER-KENNEDY QUARREL SIMPLY ADDS ZEST.

AS FOR THE TWO PRINCIPALS TO THE DISPUTE, THEY REMAINED MUM.

IN ESSENCE, ETC., PICKINGUP 6TH GRAF ORIGINAL (A38)

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PRECEDE WASHINGTON KENNEDY-HOOVER (A38)

(210)

NEW YORK, DEC. 12 (AP)-SEN. EDWARD V. LONG, D-MO., SAID TONIGHT HE WILL INVITE SEN. ROBERT F. KENNEDY, D-N.Y., AND FBI DIRECTOR J. EDGAR HOOVER TO TESTIFY BEFORE HIS SUBCOMMITTEE IN THEIR BITTER, WHO'S-A-LIAR DISPUTE OVER WHO TAKES THE RAP FOR FEDERAL "BUGGING."

LONG SAID HE HAD BEEN RELUCTANT TO CALL THE TWO MEN BEFORE HIS SUBCOMMITTEE ON ADMINISTRATIVE PRACTICES AND PROCEDURES, BUT THE FUROR RAISED BY THEIR PUBLIC FUED FORCED HIS HAND.

"NOW THAT SOME OF THE PRINCIPLE PARTICIPANTS HAVE OPEND UP THESE MATTERS, WE FEEL THAT AN ON-THE-RECORD AIRING IS NECESSARY," LONG SAID AS HE ARRIVED AT KENNEDY AIRPORT AFTER A MONTH-LONG TRIP ABROAD.

THE DISPUTE BETWEEN KENNEDY AND HOOVER REACHED AN IMPASSE TODAY. BOT REMAINED MUM.

IN ESSENCE, THE QUARREL BETWEEN THE FORMER ATTORNEY GENERAL AND THE BOSS G-MAN IS OVER WHICH ONE AUTHORIZED THE WIRETAPPING AND ELECTRONIC EAVESDROPPING WHICH HAS JEOPARDIZED A HOST OF FEDERAL PROSECUTIONS, PAST AND PRESENT.

LONG SAID HE WOULD INVITE KENNEDY AND HOOVER TO TESTIFY AT HEARINGS TENTATIVELY SET FOR "SHORTLY AFTER THE FIRST OF THE YEAR." HE SAID "OTHER HIGH OFFICIALS AND EX-OFFICIALS" WOULD ALSO BE ASKED TO TESTIFY.

"WE HAVE BEEN EXTREMELY RELUCTANT TO CALL OFFICIALS FROM THE FBI AND THE JUSTICE DEPARTMENT BECAUSE WE DID NOT WANT TO DO ANY POSSIBLE HARM TO NATIONAL SECURITY OR THE DRIVE AGAINST ORGANIZED CRIME," LONG SAID. "NOW THAT THE ICE IS BROKEN, THE PUBLIC CERTAINLY HAS A RIGHT TO KNOW ALL THE FACTS."

ACTING ATTORNEY X X X 7TH GRAPH WASHINGTON DATE A38.

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EA38WX (KENNEDY-HOOVER)

AMS BUDGET (520)

NIGHT LEAD KENNEDY-HOOVER

BY BEM PRICE

ASSOCIATED PRESS WRITER

WASHINGTON, DEC. 12 (AP)-THE BITTER, WHO'S-A-LIAR DISPUTE BETWEEN FBI DIRECTOR J. EDGAR HOOVER AND SEN. ROBERT F. KENNEDY, D-N.Y., OVER WHO TAKES THE RAP FOR FEDERAL "BUGGING" REACHED AN IMPASSE TODAY.

BOTH PRINCIPALS TO THE DISPUTE REMAINED MUM.

IN ANY EVENT, THE WHOLE SUBJECT OF WIRETAPPING AND ELECTRONIC EAVESDROPPING APPEARED HEADED FOR ANOTHER CONGRESSIONAL AIRING.

SEN. ROMAN L. HRUSKA, R-NEB., SAID HE DOES NOT SEE HOW A CONGRESSIONAL HEARING CAN BE AVOIDED.

AND SEN. EDWARD J. LONG, D-MO., ALREADY IS PLANNING ANOTHER HEARING ON THE WHOLE SUBJECT EARLY IN THE NEXT SESSION. LONG IS CHAIRMAN OF THE SENATE SUBCOMMITTEE ON ADMINISTRATIVE PRACTICES AND PROCEDURES.

IN ESSENCE, THE QUARREL BETWEEN KENNEDY AND THE BOSS G-MAN IS OVER WHICH ONE AUTHORIZED THE WIRETAPPING AND ELECTRONIC EAVESDROPPING WHICH HAS JEOPARDIZED A HOST OF FEDERAL PROSECUTIONS, PAST AND PRESENT.

ACTING ATTORNEY GENERAL RAMSEY CLARK HAS SAID THE JUSTICE DEPARTMENT IS REVIEWING A NUMBER OF PENDING CASES, PLUS A FEW IN WHICH CONVICTIONS HAVE BEEN OBTAINED, TO DETERMINE WHETHER ANY OF THE EVIDENCE WAS GAINED THROUGH WIRETAPPING OR ELECTRONIC EAVESDROPPING.

AMONG THOSE PROSECUTIONS ENDANGERED IS THAT OF BOBBY BAKER, FORMER SENATE DEMOCRATIC MAJORITY SECRETARY, WHOSE CASE INVOLVING NINE CHARGES OF INCOME TAX EVASION, IS BEFORE A FEDERAL DISTRICT COURT HERE.

WHATEVER THE OUTCOME OF THE HOOVER-KENNEDY DISPUTE, THE FACT REMAINS THAT IN JUNE 1955 PRESIDENT JOHNSON ORDERED ALL FEDERAL AGENCIES TO STOP WIRETAPPING AND ELECTRONIC EAVESDROPPING EXCEPT IN CASES DISTINCTLY INVOLVING NATIONAL SECURITY.

ASKED ABOUT JOHNSON'S VIEWS ON THE KENNEDY-HOOVER DISPUTE, GEORGE CHRISTIAN, A PRESIDENTIAL ASSISTANT, SAID "AS FAR AS I CAN TELL" NONE OF THE INCIDENTS FIGURING IN THE CONTROVERSY OCCURRED WHILE JOHNSON WAS PRESIDENT.

CHRISTIAN WENT ON TO SAY THAT THE PRESIDENT "HAS NOTHING FURTHER TO ADD" TO HIS EARLIER INSTRUCTIONS THAT WIRETAPPING BE

LIMITED TO NATIONAL SECURITY CASES.

IN RESPONSE TO ANOTHER QUESTION, CHRISTIAN SAID JOHNSON IS NOT MAKING ANY INVESTIGATION INTO THE CREDIBILITY OF EITHER KENNEDY OR HOOVER.

A39WX

HOOVER SAID IN A LETTER TO REP. H.R. GROSS, R-IOWA, MADE PUBLIC LAST SATURDAY, THAT KENNEDY KNEW ALL ABOUT FBI WIRETAPPING AND EAVESDROPPING WHEN KENNEDY WAS ATTORNEY GENERAL DURING 1961-64.

KENNEDY HAS SAID THIS IS NOT SO; THAT HE KNEW NOTHING ABOUT SUCH THINGS ALTHOUGH MAYBE HE SHOULD HAVE.

EACH HAS EXPRESSED ~~THE OPINION~~ *the opinion that the other's position is*
~~hard to believe.~~ *hard to believe.*

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KENNEDY DARED HOOVER YESTERDAY TO MAKE PUBLIC HIS ENTIRE FILE ON THE SUBJECT.

AN FBI SPOKESMAN SAID TODAY, "MR. HOOVER WILL HAVE NO COMMENT ON THAT SUBJECT AT THIS TIME."

ASKED WHETHER THIS MEANS HOOVER MIGHT ULTIMATELY OPEN THE FILES, THE SPOKESMAN REPLIED, "NO COMMENT." HOOVER IS VACATIONING IN MIAMI.

WHAT BROUGHT THE DISPUTE--LONG SIMMERING BEHIND AND THE SCENES--INTO THE OPEN WAS PUBLICATION OF THE LETTER TO GROSS.

ACTUALLY, THE QUARREL WAS PREDICTABLE AS FAR BACK AS MAY 24.

AT THAT TIME U.S. SOLICITOR GENERAL THURGOOD MARSHALL APPEARED BEFORE THE U.S. SUPREME COURT AND DISCLOSED THE FBI HAD EAVES-DROPPED ON THE WASHINGTON HOTEL QUARTERS OF FRED BLACK JR., A PUBLIC RELATIONS MAN AND ONETIME BUSINESS ASSOCIATE OF BAKER'S.

BLACK HAD ALREADY BEEN CONVICTED OF EAVESDROPPING \$91,000 IN INCOME TAXES AND GIVEN A PRISON SENTENCE OF 15 MONTHS TO FOUR YEARS.

MARSHALL IMPLIED IN THE STATEMENT THAT THE "BUGGING" HAD BEEN DONE WITHOUT THE KNOWLEDGE OF THE ATTORNEY GENERAL'S OFFICE.

SUBSEQUENTLY, BLACK'S CONVICTION WAS NULLIFIED.

IN THE WAKE OF THE BLACK EPISODE, THE JUSTICE DEPARTMENT FILED A BRIEF WITH THE COURT WHICH SAID THE FBI HAD BEEN AUTHORIZED BY HOOVER TO ENGAGE IN EAVESDROPPING UNDER WRITTEN AND ORAL ORDERS OF ATTORNEYS GENERAL BACK THROUGH THE ADMINISTRATION OF DWIGHT D. EISENHOWER.

HOOVER GAVE HIS PERMISSION, MARSHALL REPORTED, IN CASES BEYOND NATIONAL SECURITY. "BUGGING" WAS APPROVED, THE SOLICITOR GENERAL SAID, IN INVESTIGATIONS INVOLVING "INTERNAL SECURITY OR NATIONAL SAFETY, INCLUDING ORGANIZED CRIME, KIDNAPPINGS AND MATTERS WHERE HUMAN LIFE MUST BE AT STAKE."

PRIOR TO MARSHALL'S APPEARANCE THREE CONSECUTIVE ATTORNEYS GENERAL--WILLIAM ROGERS, KENNEDY AND NICHOLAS KATZENBACH--MADE STATEMENTS ASSERTING THEY AUTHORIZED WIRETAPS ONLY IN NATIONAL SECURITY CASES.

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WASHINGTON--FIRST ADD NIGHT LEAD KENNEDY-HOOVER (A38WX)
X X X SECURITY CASES.

KATZENBACH DECLINED TO TAKE SIDES IN THE DISPUTE. NOW AN UNDER-SECRETARY OF STATE, KATZENBACH SAID IN A STATEMENT:

"I DO NOT BELIEVE SEN. KENNEDY WAS IN FACT AWARE OF THE PRACTICES OF THE FBI WITH RESPECT TO ELECTRONIC SURVEILLANCES OTHER THAN THOSE INVOLVING WIRETAPPING, WHICH HE, LIKE HIS PREDECESSORS, SPECIFICALLY AUTHORIZED.

"I DO NOT BELIEVE THAT MR. HOOVER WOULD HAVE USED SUCH TECHNIQUES UNLESS HE HAD THOUGHT THAT THE ATTORNEY GENERAL IN FACT SANCTIONED THEM. NEITHER MR. HOOVER NOR SEN. KENNEDY, TO THE BEST OF MY KNOWLEDGE, EVER SPECIFICALLY DISCUSSED WITH EACH OTHER ANY SUCH PRACTICE OTHER THAN WIRETAPPING."

THERE IS A DISTINCTION BETWEEN WIRETAPPING AND ELECTRONIC EAVESDROPPING.

IN WIRETAPPING THE ACTUAL TERMINAL POINTS OF A TELEPHONE LINE ARE BRIDGED TO PERMIT A THIRD PERSON TO EAVESDROP. THIS IS THE USUAL PRACTICE ALTHOUGH INDUCTION COILS CAN BE USED.

AN ELECTRONIC EAVESDROPPING DEVICE OPERATES INDEPENDENTLY OF THE TELEPHONE SYSTEM. A TINY MICROPHONE CAN BE CONNECTED DIRECTLY TO A LISTENING POST OR THE MICROPHONE CAN BE HOOKED TO A BROADCAST DEVICE.

THE 1934 COMMUNICATIONS ACT STATES THAT IT IS ILLEGAL TO TAP A TELEPHONE CONVERSATION BETWEEN TWO PERSONS WITHOUT THE KNOWLEDGE OF EITHER AND THEN DIVULGE THE CONTENTS OF THAT CONVERSATION.

THE WHOLE FIELD OF EAVESDROPPING ELECTONICALLY IS HAZY LEGALLY ALTHOUGH THE SUPREME COURT HAS HELD THAT WHERE PREMISES ARE ENTERED ILLEGALLY TO PLANT A LISTENING DEVICE THE EVIDENCE OBTAINED FROM IT IS INADMISSABLE IN COURT.

BY THE SAME TOKEN, THE HIGH COURT HAS HELD THAT EVIDENCE OBTAINED BY WIRETAPPING IS INADMISSABLE.

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THE SUPREME COURT, HOWEVER, HAS NEVER ACTUALLY RULED ON THE ADMISSABILITY OF EVIDENCE GATHERED BY ELECTRONIC EAVESDROPPING WHERE NO ILLEGAL ENTRY IS INVOLVED. IT HAS SUCH A CASE PENDING.

WHILE STILL ATTORNEY GENERAL, KATZENBACH TESTIFIED 11 MAJOR CRIME CASES HAD TO BE DROPPED BECAUSE THE EVIDENCE HAD BEEN "TAINTED" BY WIRETAPPING OR ELECTRONIC EAVESDROPPING.

THERE HAS NEVER, INCIDENTALLY, BEEN A PROSECUTION OF A LAW ENFORCEMENT AGENT FOR ENGAGING IN WIRETAPPING ALTHOUGH IT IS ILLEGAL UNDER THE 1934 ACT IF ANY OF THE INFORMATION SO OBTAINED IS DIVULGED.

THIS IS THE HEART OF THE BAKER CASES DEFENSE.

BAKER HAS TESTIFIED HE WAS IN BLACK'S SUITE REGULARLY DURING A 77 DAY PERIOD IN 1963. THE GOVERNMENT HAS CONCEDED IT EAVES-DROPPED ON BAKER AND BAKER'S TELEPHONE CONVERSATIONS DURING 11 OF THOSE DAYS.

BAKER'S ATTORNEY, EDWARD BENNETT WILLIAMS, HAS MOVED FOR SUP-PRESSION OF THE EAVESDROP EVIDENCE AND DISMISSAL OF THE CHARGES ON THE GROUNDS THAT THE EVIDENCE WAS OBTAINED ILLEGALLY.

AS FOR THE LONG COMMITTEE, THE BLACK CASE REVELATIONS PLUS 18 MONTHS OF HEARINGS ON INVASIONS OF PRIVACY HAS PROMPTED THE STAFF TO DRAW UP FIVE PROPOSED LAWS.

BERNARD FENSTERWARD JR., STAFF DIRECTOR FOR THE SENATE SUBCOM-MITTEE, SAID LONG WOULD INTRODUCE ONE EARLY IN THE NEXT SESSION OF CONGRESS.

THESE PROPOSED BILLS, SAID FENSTERWALD, RANGE FROM OUTRIGHT PROHIBITIONS ON WIRETAPPING AND EAVESDROPPING TO PERMISSION UNDER CAREFULLY CONTROLLED CIRCUMSTANCES.

WHICHEVER BILL IS INTRODUCED, HE SAID, WOULD OBVIOUSLY NECES-SITATE EXTENSIVE HEARINGS.

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