

## PRESIDENT ALOOF IN BUGGING FEUD

Implies He Will Let Hoover  
Handle Kennedy Fight

By MAX FRANKEL

Special to The New York Times

WASHINGTON, Dec. 12 — President Johnson remained aloof today from the electronic eavesdropping controversy between Senator Robert F. Kennedy and J. Edgar Hoover, director of the Federal Bureau of Investigation.

In effect, therefore, the President left the impression that he was satisfied to let Mr. Hoover, his subordinate, handle the matter in his own way.

Mr. Johnson authorized a spokesman to say in response to questions that the President was not investigating the dispute to determine who had really authorized the electronic bugging that is threatening to upset several important Government prosecutions for tax evasion and other crimes.

The President also let it be known that the White House would have nothing further to say about the issue beyond recalling its 18-month-old order that the tapping of telephones and other forms of electronic eavesdropping be limited to cases involving national security. The Kennedy-Hoover argument is not about direct wiretaps of telephone lines but about F.B.I. eavesdropping through hidden electronic devices.

### His Own Observation

George Christian, the White House spokesman who relayed Mr. Johnson's views, added what he described as his own observation that the incidents leading to the current controversy occurred before Mr. Johnson became President on Nov. 22, 1963.

The dispute arose from recent Justice Department admissions that the F.B.I. had electronically bugged the Washington hotel rooms of Fred R. Black Jr., a public relations man and former business associate of Robert G. Baker, former secretary to Senate Democrats and thus a lieutenant of President Johnson in his years as majority leader.

Mr. Black's conviction for income tax evasion has been nullified as a result. Charges of tax evasion and fraud against Mr. Baker are before a Federal Court here.

In confessing to the eavesdropping, the Justice Department implied that the practice had been approved by Mr. Hoover but not by the Attorney General at the time, Mr. Kennedy. The department also said

it was looking over its files to see what other cases were affected by the use of bugs in investigations of crime and other cases not normally regarded as involving national security.

### Documents Released

Last week, in an effort to explain his own role, Mr. Hoover released documents charging that Mr. Kennedy had approved all wiretapping and eavesdropping conducted during his years as Attorney General, 1961 to 1964. The Senator denied any knowledge of such practices. Both men then characterized the other's statements as hard to believe.

Legally, the F.B.I. director is a subordinate of the Attorney General, a vacant position now filled on an acting basis by Ramsey Clark. But in most recent Administrations, Mr. Hoover has conducted himself almost like the head of an independent agency directly responsible to the President. His relations with Mr. Johnson are reported to be close, and markedly better than they were with President Kennedy and his brother, Robert, then Attorney General.

Since Senator Kennedy has tried on several other issues to take positions more "liberal" than those of the President, the impression has spread that Mr. Johnson did not mind some difficulty for Mr. Kennedy in liberal circles.

One possible way out of the controversy was suggested here last night by a man close to both the President and the Senator, but Mr. Johnson did not pick up the cue. It was offered by Nicholas deB. Katzenbach, Under Secretary of State, who was Deputy Attorney General under Mr. Kennedy and then succeeded him as Attorney General under President Johnson.

In a statement distributed to newsmen, Mr. Katzenbach implied that the dispute resulted from an honest misunderstanding.

"I do not believe Senator Kennedy was in fact aware of the practices of the F.B.I. with respect to electronic surveillance other than those involving wiretapping, which he, like his predecessors, specifically authorized," Mr. Katzenbach said.

"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 Senator Kennedy, to the best of my knowledge, ever specifically discussed with each other any such practice other than wiretapping."

### Senate Inquiry Due

Senator Edward V. Long, head of a subcommittee investigating wiretapping, said last night he would invite J. Edgar Hoover and Senator Robert F. Kennedy to a public hearing on the "furor" over the use of listening devices by the Justice Department.

Mr. Long made the statement at Kennedy International Airport after his arrival from Greece.