

Kennedy Charges Secrecy in Beard Case

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WASHINGTON, April 13—Senator Edward M. Kennedy charged today that a top official of the Justice Department, as well as the United States Attorney in Denver, knew in mid-March that the doctor treating Mrs. Dita D. Beard was under criminal investigation by the department but kept that information from the Senate Judiciary Committee.

Senator Kennedy contended that "within a few days after March 13" a high official of the Department of Health, Education and Welfare informed Patrick Gray, an Assistant Attorney General, that "a potential criminal case" involving Medicare charges was pending against Dr. L. M. Radetsky.

Dr. Radetsky is one of the two physicians treating Mrs. Beard, who is a lobbyist for the International Telephone and Telegraph Corporation. Mr. Kennedy did not name the H.E.W. official.

He also said that the United States Attorney in Denver, James Treece, knew on or before March 16 that Dr. Radetsky was under investigation. He contended that Mr. Treece also knew that Dr. Radetsky was treating Mrs. Beard, and that a Judiciary subcommittee was going to Denver to interview her.

Implicit in Mr. Kennedy's charges was a concern that the Judiciary Committee had been relying on a doctor who may have been subject to the influence of the Justice Department or who was perhaps disposed not to offend the department.

Dr. Radetsky was one of the physicians present in Mrs. Beard's hospital room in Denver, where she was a heart patient, while testifying to members of the committee. It was he who cut off the session because of her condition.

In a letter to the Judiciary Committee released today, Mr. Treece said that he first learned of the investigation regarding Dr. Radetsky on or about March 21, but that, to the best of his belief, no one in the Justice Department here, except possibly clerical personnel, knew of the inquiry.

Two Fold Significance

The significance of the charges by the Senator are two-fold, according to one of his aides. First, the Judiciary Committee was kept in the dark about the investigation of Dr. Radetsky during the period when it was dealing with him about taking testimony from Mrs. Beard, although Mr. Gray and Mr. Treece knew his situation.

Second, the department al-

lowed Henry E. Petersen, another Assistant Attorney General, to tell the Judiciary Committee Tuesday that he was unaware of Dr. Radetsky's situation although others in the department could have informed him.

Mr. Kennedy alleged that Monday — the day before Mr. Petersen's testimony—another ranking Justice Department official, Robert Mardian, discussed the Radetsky investigation with Mr. Treece. Mr. Mardian is Assistant Attorney General in charge of the Internal Security Division and a close associate of acting Attorney General Richard G. Kleindienst, whose nomination the Judiciary Committee is currently holding hearings on.

The spokesman for the Justice Department, John W. Hushen, could not be reached for comment on Mr. Kennedy's charges.

Memorandum Recalled

Mrs. Beard is the purported author of a memorandum made public by Jack Anderson, the columnist, which links a contribution by I.T.T. to the San Diego Republican Convention with the out-of-court settlements by the Government of the three I.T.T. antitrust cases. She has called the memo a hoax. Mr. Kleindienst, who was Deputy Attorney General at the time, was in charge of the I.T.T. cases.

It was disclosed earlier that another of Mrs. Beard's doctors, Victor L. Liszka of Arlington, Va., and his wife were under investigation over similar charges concerning alleged Medicare irregularities.

Today's session of the Judiciary Committee, which lasted about three hours, took place against the backdrop of Republican efforts to head off a confrontation between the committee and the White House over the issue of executive privilege.

Some of the Democratic members of the Judiciary Committee say that they feel it is essential that Peter Flanigan, a White House aide, be called before the committee to testify about his role in recruiting Richard J. Ramsden, a partner in a Wall Street money management concern, to do a financial analysis of the I.T.T. situation. Mr. Ramsden has said that he was asked to do the analysis by Mr. Flanigan, received his instructions from him and turned in his report to him.

The White House has consistently refused to allow its aides to appear before Congressional committees on the ground that the President is entitled to the private counsel of his advisers.

Some observers see a sub-

stantial threat to Mr. Kleindienst's nomination because the issue of executive privilege has drawn together those who oppose Mr. Kleindienst—such as Senator Kennedy—and those who are unhappy about what they see as the Administration's unresponsiveness to the constitutional role of Congress—such as Senator Sam J. Ervin Jr., Democrat of North Carolina.

Today, Senator Charles McC. Mathias, Republican of Maryland, said outside the hearing room that he was trying to arrange some compromise between the committee and the White House under which Mr. Flanigan would talk with the Senators in informal discussions. He said that he doubted Mr. Flanigan would agree to such sessions being open to the public.

The only witness to appear today was John F. Ryan, deputy director of I.T.T.'s Washington office. He said that he was able, because of the passage of time or the situations involved, to answer with certainty or specificity many of the questions put to him by Senators Kennedy and John V. Tunney, Democrat of California.

Mr. Ryan acknowledged under persistent questioning by Senator Kennedy that he had gone to Mrs. Beard's files after learning of the memo obtained by Mr. Anderson and removed some items that he described as "thank you notes and the like."

He said that he gave these items to W. R. Merriam, the head of I.T.T.'s Washington office, the next morning—the day during which I.T.T. officials have said that a large quantity of material in the Washington office files was shredded.

At one point, Senator Tunney said to Mr. Ryan, "It continues to amaze me how little information and how little involvement officials of I.T.T. recall about the events . . . and about their involvement with each other."

"I think you can understand," he went on, "why some of us are suspicious. At least a couple of hundred times you've said, 'I can't remember.'"