

FIRST LEAD KENNEDY-HOOVER (180)

BY THE ASSOCIATED PRESS

WASHINGTON, DEC. 12 (AP)-SEN. ROMAN L. HRUSKA SAID TODAY HE FEELS THE DISPUTE BETWEEN SEN. ROBERT F. KENNEDY AND FBI DIRECTOR J. EDGAR HOOVER OVER FBI EAVESDROPPING MIGHT COME UP IN THE SENATE JUDICIARY COMMITTEE.

THE DISPUTE ERUPTED SATURDAY AND BROUGHT A CHALLENGE FROM KENNEDY TO HOOVER TO MAKE PUBLIC HIS ENTIRE FILE ON WHO AUTHORIZED WHAT ELECTRONIC EAVESDROPPING WHILE THE NEW YORK DEMOCRATIC SENATOR WAS ATTORNEY GENERAL.

HOOVER HAD NO COMMENT. THE FBI CHIEF IS VACATIONING IN MIAMI, AND HIS OFFICE RELAYED THAT WORD TODAY.

HRUSKA, A NEBRASKA REPUBLICAN WHO SERVES ON THE JUDICIARY COMMITTEE, WAS ASKED BY NEWSMEN IF HE THOUGHT IT SHOULD ATTEMPT TO RESOLVE THE CONTROVERSY.

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WHILE NOT ADVOCATING A JUDICIARY COMMITTEE INVESTIGATION AS SUCH, HRUSKA SAID HE FELT THE ISSUE WAS BOUND TO COME UP IF LEGISLATION IS PROPOSED AGAIN TO PERMIT USE OF EVIDENCE OBTAINED BY WIRETAPS IN THE PROSECUTION OF NATIONAL SECURITY AND MAJOR CRIME CASES.

KENNEDY DECLINED ANY COMMENT ON THIS, TELLING REPORTERS HE DIDN'T HAVE ANYTHING TO ADD TO WHAT ALREADY HAS BEEN SAID.

MEASURES TO PERMIT LIMITED USE OF WIRETAP EVIDENCE, OBTAINED UNDER COURT ORDER, HAVE BEEN INTRODUCED IN THE PAST. THEY HAVE PROVED HIGHLY CONTROVERSIAL AT JUDICIARY COMMITTEE HEARINGS AND NO ACTION ON THEM HAS BEEN TAKEN.

THE FUROR OPENED WITH PUBLICATION OF A HOOVER LETTER WHICH SAID KENNEDY KNEW ALL ABOUT FBI EAVESDROPPING.

KENNEDY SAID HE DIDN'T, THAT HOOVER "HAS BEEN MISINFORMED." HOOVER SAID KENNEDY'S RETORT WAS "ABSOLUTELY INCONCEIVABLE." HOOVER PRODUCED A DOCUMENT BACKING HIS STAND FROM THE SAME FBI OFFICIAL KENNEDY HAD QUOTED FOR HIS SIDE.

THEN KENNEDY CALLED FOR HOOVER TO MAKE HIS ENTIRE FILE PUBLIC. "THERE IS NO INDICATION THAT MR. HOOVER EVER ASKED ME FOR AUTHORIZATION FOR ANY SINGLE BUGGING DEVICE," SAID KENNEDY.

ANOTHER FORMER ATTORNEY GENERAL, KENNEDY SUCCESSOR NICHOLAS KATZENBACH, EMERGED AS A SORT OF WOULD-BE PEACEMAKER WITH A TERSE STATEMENT GIVING CREDIT TO EACH SIDE AND IN ESSENCE CHALKING THE DISPUTE UP TO MISUNDERSTANDING.

MEANWHILE, THE PRACTICAL EFFECTS OF HIDDEN SURVEILLANCE WERE SCORED IN NEW YORK BY REP. EMANUEL CELLER, D-N. Y., CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE.

"WE CAN'T PICK UP A PHONE IN WASHINGTON WITHOUT FEAR AND TREPIDATION THAT SOMEONE IS LISTENING IN," HE SAID IN A TELEVISION INTERVIEW (WNBC-TV, MAN IN OFFICE).

"I DON'T KNOW WHO IS DOING IT," SAID CELLER. "...THE ABUSE OF THESE DEVICES IS ALL OVER. WHATEVER BENEFIT THEY MIGHT BE FOR THE POLICE DEPARTMENTS, IT IS FAR OUTWEIGHED BY THE DANGER IMPLICIT IN THEM."

THE HOOVER LETTER, TO REP. H. R. GROSS, R-IOWA, SAID USE OF WIRETAPPING AND ELECTRONIC EAVESDROPPING EQUIPMENT INCREASED DURING KENNEDY'S STINT AS ATTORNEY GENERAL, FROM 1961 UNTIL 1964.

HOOVER SAID THE FBI HAD ALWAYS FOLLOWED A PRACTICE "THAT NO INTERCEPTION WAS TO BE UNDERTAKEN OR CONTINUED WITHOUT FIRST OBTAINING THE APPROVAL OF THE ATTORNEY GENERAL."

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KENNEDY'S OFFICE RETORTED WITH A LETTER FROM COURTNEY A. EVANS, ASSISTANT FBI HEAD DURING KENNEDY'S TERM AS ATTORNEY GENERAL, WHO SAID HE DID NOT KNOW OF ANY DISCUSSION OR CORRESPONDENCE WITH KENNEDY CONCERNING USE OF MICROPHONES FOR EAVESDROPPING.

EVANS' LETTER SAID PRIOR ATTORNEYS GENERAL HAD TOLD THE FBI THAT ATTORNEY GENERAL APPROVAL WAS NEEDED ONLY FOR TELEPHONE TAPS, BUT NOT OTHER BUGGINGS.

KENNEDY SAID HOOVER HAD BEEN MISINFORMED.

HOOVER SAID IN A THIRD-PERSON STATEMENT FROM THE FBI YESTERDAY IT WAS "ABSOLUTELY INCONCEIVABLE" THAT KENNEDY COULD SAY HOOVER HAD BEEN MISINFORMED.

HOOVER PRODUCED ANOTHER EVANS' DOCUMENT, THIS ONE A MEMORANDUM OF A JULY 7, 1961, CONFERENCE BETWEEN KENNEDY AND EVANS. THE MEMO SAID KENNEDY WAS TOLD THE FBI WAS USING MICROPHONES "IN ALL INSTANCES WHERE THIS WAS TECHNICALLY FEASIBLE AND WHERE VALUABLE INFORMATION MIGHT BE EXPECTED."

IT ALSO SAID KENNEDY REMARKED THAT "HE RECOGNIZED THE REASONS WHY TELEPHONE TAPS SHOULD BE RESTRICTED TO NATIONAL-DEFENSE-TYPE CASES AND HE WAS PLEASED WE HAD BEEN USING MICROPHONE SURVEILLANCES WHERE THESE OBJECTIONS DO NOT APPLY WHEREVER POSSIBLE IN ORGANIZED CRIME MATTERS."

KENNEDY FIRED BACK LAST NIGHT, ACKNOWLEDGING THAT "PERHAPS I SHOULD HAVE KNOWN AND SINCE I WAS THE ATTORNEY GENERAL I CERTAINLY TAKE THE RESPONSIBILITY FOR IT, BUT THE PLAIN FACT OF THE MATTER IS THAT I DID NOT KNOW."

HE SAID HE ORDERED A HALT TO EAVESDROPPING IN A LAS VEGAS INVESTIGATION AS SOON AS HE LEARNED ABOUT IT. "IT IS CURIOUS THAT MR. HOOVER DOES NOT RECALL THIS."

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KATZENBACH, NOW UNDERSECRETARY OF STATE, SAID IN A STATEMENT:

"I DO NOT BELIEVE SEN. KENNEDY WAS IN FACT AWARE OF 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."

PRESIDENT JOHNSON ON JUNE 30, 1965, PROHIBITED GOVERNMENT OFFICIALS FROM USING WIRETAPPING OR EAVESDROPPING DEVICES IN ANY CASES NOT INVOLVING NATIONAL SECURITY.

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