

RUSK RENEWS PLEA FOR A CONSUL PACT

Hoover, in Letter to Mundt, Warns Senate Again on Soviet Espionage Peril

By JOHN W. FINNEY
Special to The New York Times

WASHINGTON, Jan. 23—The Administration opened a new campaign today for Senate ratification of the consular convention with the Soviet Union.

It was confronted, however, with fresh warnings by J. Edgar Hoover, the director of the Federal Bureau of Investigation, about increasing the dangers of Soviet espionage through such action.

Secretary of State Dean Rusk led off the Administration's case by telling the Senate Foreign Relations Committee that the treaty would be "very much in the national interest" since it would provide better protection for American tourists in the Soviet Union and would remove some of the difficulties in United States-Soviet relations.

Mr. Rusk, along with Under Secretary of State Nicholas deB. Katzenbach, a former Attorney General, acknowledged that the treaty could provide expanded opportunities for Soviet espionage.

But they argued that the risks of espionage were "small and controllable" and within the capacity of the F.B.I. to handle.

As soon as Mr. Rusk finished his prepared statement, Senator Karl E. Mundt, Republican of South Dakota, an opponent of the treaty, read a letter that Mr. Hoover had sent him today.

In his letter to Senator Mundt,

Continued From Page 1, Col. 2

Mr. Hoover stated that he stood unequivocally by his statement of March, 1965, that the treaty would make "more difficult" the work of the F.B.I. in combating Soviet espionage.

It was this Hoover statement, given before a House Appropriations subcommittee as he was defending his agency's budget, that has been responsible for much of the political opposition to the Consular treaty, which establishes the legal framework for restoration of consular relations between the two nations.

The treaty was signed in June, 1964, but has never been brought up for Senate ratification, largely because of opposition based on the Hoover statement.

In another letter to Foreign Relations Committee chairman J. W. Fulbright, Democrat of Arkansas, Mr. Hoover declined an invitation to testify in person on the ground that it was the role of the Attorney General, rather than the F.B.I., "to pass on matters of legislation."

In his letter to Senator Mundt, Mr. Hoover noted that the "F.B.I. is not a policy-making agency and we do not express opinions," and emphasized that the F.B.I. "is not recommending a course of action or expressing an opinion" on the treaty.

Nor did his past statements, Mr. Hoover said, "state or imply that the consular convention would impose any additional burdens of responsibility upon the F.B.I. that we are incapable of handling"

The emphasis in the Hoover letter, however, was on the dangers of increased Soviet espionage if the Soviet Union were permitted to establish consulates in this country.

"The simple fact is that the work of the F.B.I. in combating Soviet-directed espionage activities in this country has in-

creased through the years commensurate with the increase in Soviet representation here," he said. "I can also state without equivocation that Communist-bloc diplomatic establishments in this country serve as focal points for intelligence operations."

The second Hoover letter, sent without any advance notice to the State Department, caught Mr. Rusk by surprise. From the critical questioning of Mr. Rusk by a minority of committee members, it was also apparent that the Hoover letter had served to reinforce the opposition to the treaty.

The treaty was approved by a 19-to-5 committee vote in 1965. A similar lineup is expected this year. Despite the continuing opposition, it is the intention of Senate leaders to press for ratification.

Senator Fulbright predicted it would be approved after probably a "big fuss" on the Senate floor.

Much of the critical questioning today revolved around an unusual feature in the treaty granting diplomatic immunity to consular officials—an exemption from criminal punishment that opponents contended would be an inducement to Soviet officials to engage in espionage.

This provision, Mr. Rusk disclosed, was proposed by the Soviet Union in the final stages of negotiation and accepted by the United States on the ground that it would be "of value to both sides."

Only guardedly did Mr. Rusk

and Mr. Katzenbach allude to the possible value to the United States in extending espionage activities in the Soviet Union.

Asked at one point whether the treaty would not also provide increased espionage opportunities for the United States, Mr. Katzenbach replied, cryptically, "The rights are reciprocal."

Mr. Rusk argued that the treaty would not add "significantly" to the risk of espionage since there would only be a small increase in the number of Soviet personnel in this country.

At the present time, he said, the intention is for each country to establish only one consulate, with the United States office probably to be situated in Leningrad.

But the main burden of the Rusk argument was that the possible disadvantages of espionage would be outweighed by the benefits of the treaty in permitting the United States to protect and assist its citizens when they are arrested and detained in the Soviet Union.

The treaty provides for prompt notification upon arrest and then periodic access by consular officials to persons while in prison.

This protection, Mr. Rusk said, should serve to reduce tensions between the two nations by establishing routine procedures for handling arrests before they develop into "international incidents" involving the top leaders and prestige of both nations.

Continued on Page 10, Column 5