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# Kennedy's 3 Years in Office of Attorney General

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WASHINGTON, Sept. 3—It is doubtful that any attorney General before Robert Francis Kennedy entered or left office under circumstances of such strong public feeling.

When he became Attorney General in 1961, he was criticized as a brash young man with the narrow instincts of a prosecutor. But he was respected as an architect of his brother's election to the Presidency.

As he leaves now to run for the Senate in New York, criticism of brashness continues, and some still find in him the prosecutor image. He is also the object of extraordinary admiration demonstrated dramatically at the Democratic National Convention last week.

His years as Attorney General did not fit the political stereotypes of Robert Kennedy. At least that is the judgment of many who are able to make a detached, professional appraisal of him as Attorney General—career lawyers in the Justice Department and others close to it.

## Accomplishments Cited

They believe that, whatever his future in politics, history will remember him as Attorney General for these reasons:

¶He did more than any of his predecessors for the poor man charged with crime, acting to assure him free counsel and release without onerous bail and a fair opportunity to prepare his defense.

¶He made the first real effort in years to bring the Federal Bureau of Investigation and its powerful director, J. Edgar Hoover, under effective direction and to turn the F.B.I.'s attention to such law-enforcement problems as civil rights and organized crime.

¶He helped to array the resources of the Federal Government on the side of the Negro quest for equal rights.

¶He made a concentrated drive against syndicated national crime and against corruption in labor unions, notably the International Brotherhood of Teamsters.

Some of these activities, it is agreed, have been the subject of intense controversy. Mr. Kennedy has been condemned by Southerners for committing too much Federal power on the racial issue and by some civil rights groups for not committing enough. He is charged with conducting a personal vendetta against the teamsters president, James R. Hoffa.

## Assistants Praised

Students of Mr. Kennedy's career contend, however, that he has done much at the Justice Department that has not attracted headlines but that has been important to the law.

Those dealing professionally with the department point out, for example, that he chose some outstanding men as his top assistants.

Among these are Mr. Kennedy's deputy, Nicholas deB. Katzenbach; the Solicitor General, Archibald Cox, and Assistant Attorneys General Burke Marshall, Herbert J. Miller, Louis F. Oberdorfer and John Douglas.

All but two of Mr. Kennedy's original top appointees are still there. Byron White, Mr. Kennedy's first deputy, went to the Supreme Court. Lee Loevinger moved from the Antitrust Division to the Federal Communications Commission.

The adjective most often used by critics of Robert Kennedy is "ruthless." Many people think of him as relentless, unforgiving—an impression that some derive from his dealings with James Hoffa.

Mr. Kennedy was counsel for the Senate investigating committee that looked for, and found, corruption in the teamsters union. He said then that Hoffa was a menace.

After he became Attorney General, the Justice Department devoted special attention to the teamsters and Hoffa. Department spokesmen say such attention is justified; others say it is an unjustified Kennedy attempt to even a personal score.

Juries have found Hoffa guilty of trying to bribe an earlier jury and of using union funds corruptly. Dozens of other teamster officials have also been convicted.

## Attacked by Union

Teamsters have charged Mr. Kennedy and his aides with using improper methods, such as wiretapping. The Republican party wrote into its platform a teamster-sponsored plank calling for an investigation of Justice Department methods, and Republicans and some Democrats on the House Judiciary Committee are pressing for such an inquiry.

Roy Cohn, former chief counsel of the Senate Permanent Committee on Investigations, has accused Mr. Kennedy and United States Attorney Robert Morgenthau of waging a "vendetta" in prosecuting him on charges of perjury and attempt to obstruct a Federal investigation of a \$5 million stock swindle.

The Cohn case ended initially on April 19, in a mistrial, but in a retrial Mr. Cohn and a fellow defendant, Murray E. Gottesman, were acquitted on July 16.

One of Mr. Kennedy's least publicized activities was his helping to reduce Communist-hunting excesses. He fought behind the scenes for dismissal of unsupported security charges. He directed immigration authorities to end political interrogation of people wishing to enter this country and he helped to permit the admission of foreign artists and other notables despite Communist affiliation.

## Differed With Hoover

Many of these acts brought Mr. Kennedy into conflict with J. Edgar Hoover. The F.B.I. is part of the Justice Department and its director is technically subordinate to the Attorney General. But Mr. Hoover over the years has built up such a powerful position, especially in Congress, that Attorneys General have not challenged him.

Mr. Kennedy did.

One issue, for example, was what he regarded as Mr. Hoover's long-standing reluctance to get the F.B.I. into the problem of organized crime.

Under the Kennedy regime the F.B.I. set up a special anti-racketeering course. It recognized the existence of a crime syndicate. It worked with other agencies in a coordinated drive against big crime. It started infiltrating the rackets as it had the Communist party.

The F.B.I. had been criticized as displaying little interest in problems of race relations. Here also Mr. Kennedy applied some pressure. It is believed, for instance, that the bureau has begun efforts to infiltrate violent white supremacist organizations. Its ability to infiltrate Negro extremist groups is limited by its still severe shortage of Negro agents—one that Mr. Kennedy also tried to remedy.

Whatever ability Mr. Kennedy had to move Mr. Hoover obviously stemmed from the fact that his brother was President. That ability ended on Nov. 22, 1963. Since then Mr. Hoover has on major matters dealt directly with President Johnson.

Wiretapping is an issue on which Mr. Kennedy showed a change of attitude.

Soon after taking office he endorsed legislation of the kind his predecessors had supported, allowing both local and Federal authorities to tap wires without significant limitations. But he then changed his mind and proposed a bill with much stricter controls on tapping. Congress took no action.

Mr. Kennedy also showed concern for the impoverished criminal defendant. For 25 years Attorneys General had called for legislation to provide funds for defense of the poor, but Congress had not acted. Mr. Kennedy helped to persuade this Congress to approve a bill granting money not only for lawyers but also for investigators and for psychiatric and other services for indigent defendants.

He accepted the suggestion of a scholarly committee he had appointed and directed Federal prosecutors to arrange for the release of defendants before trial without bail whenever possible.

## Set Up Watchdog Group

One of his last moves as Attorney General was the creation of an Office of Criminal Justice within the department to act as a watchdog on prosecutorial practices. He wanted to make sure, he said, that it

was not a Department of Prosecution but a Department of Justice.

A single episode that contributed much to the public image of Mr. Kennedy as ruthless was the post-midnight call of F.B.I. agents on newspapermen during the crisis over the steel price increase of 1962.

It was not the Attorney General but some F.B.I. official who picked that hour. But Mr. Kennedy never disclaimed responsibility.

However some critics feel that Mr. Kennedy was not excessively but insufficiently zealous in the antitrust field.

## Antitrust Work Lagged

One problem was that Mr. Kennedy's first choice to head the Antitrust Division, Mr. Loevinger, did not work out. The difficulty was essentially a clash of personalities. As a result, the activities of the Antitrust Division were dampened during the Loevinger period by a lack of confidence at the top.

Mr. Loevinger was replaced by William F. Orrick Jr., who has worked well with Mr. Kennedy. Under Mr. Orrick antitrust policy has moved off dead center, but the four-year record is hardly distinguished.

Civil rights engaged Mr. Kennedy as did no other problem. When he took office, many doubted that he had any personal commitment to racial equality. As he leaves, the major civil rights leaders have no doubt.

One example of the impact that he and his aides made in the effort to register Negroes in the South.

## Brought Voter Suits

In three years during the Eisenhower Administration the Justice Department had not brought a single voter suit in Mississippi under the 1957 Civil Rights Act.

Mr. Kennedy and his civil rights chief, Burke Marshall, have brought 24 voting cases in Mississippi. One was in Sunflower County, the home of Senator James O. Eastland, with whom the Justice Department must deal constantly as chairman of the Senate Judiciary Committee.

On school integration—where the department until the 1964 act had no power to initiate suits—Mr. Kennedy sought to speed the process by persuasion.

Persuasion was also used by the department to deal with tensions over segregation at lunch counters and other places of public accommodation.

## Criticized on Mississippi

Mr. Kennedy's handling of the desegregation riot at the University of Mississippi has been much criticized. He first used marshals, who could not control the mob and before troops could move in two men were dead.

His motivation in that episode, as he explained, was to avoid what he most feared—a



direct, armed clash between United States soldiers and sheriffs and other citizens of Mississippi.

He thought he had resolved the problem in long conversations with Gov. Ross Barnett when the Governor promised to maintain order. Others, outside government, thought Governor Barnett could not be trusted. They were right.

This summer the Attorney General resisted strong pressure to take over law enforcement in Mississippi with marshals or F.B.I. agents or troops. He did so because he opposed the precedent of a Federal police force and believed that the states must be brought to take responsibility — with Federal power only as a last resort.

#### Judicial Role Weighed

His record of judicial appointments in the South has been subject to criticism.

At least three district judges appointed on Attorney General Kennedy's advice turned out to have strongly segregationist views on the bench: J. Robert Elliott of Georgia, E. Gordon West of Louisiana, Harold Cox of Mississippi.

Persons close to the situation pointed out the difficulty of a Democratic Administration's dealing with Southern Democratic Senators. They contend that every effort was made to check the three men's views. But there is no question that Mr. Kennedy himself would score these appointments as black marks on his record.

Partisanship is a quality often ascribed to Mr. Kennedy. He makes no pretense as to lack of strong partisanship in political affairs.

But he could be determinedly nonpartisan as Attorney-General. As one example, he prosecuted two Democratic Congressmen for corruption, with the resulting loss of one seat in the 1962 election.

No survey of this Attorney General would be complete without observing that his interests, more than any of his predecessors', ranged outside the Justice Department into foreign affairs. He had responsibilities in the problems of Vietnam and Indonesia and Latin America.

His best-known performance in this area came during the Cuban missile crisis, when he led the opposition in Government councils to proposals for an air strike against Cuba without warning. He rejected that as "another Pearl Harbor" and urged instead the policy that was adopted, of a restrained ultimatum to the Soviet Union to remove the missiles.