

CAPITOL STUFF

By JOHN O'DONNELL and DORIS FLEESON

"The longer I'm back in Washington the more it reminds me of Europe," sourly remarked a correspondent after he had been fingerprinted and photographed and filled out his personal life history questionnaire preparatory to receiving press credentials for the White House.

To a certain extent that's true—as it should be true in any nation gearing itself for war. But to date the official controls, although ever tightening, have been reasonable.

And when over-zealous or spy-jittery officials have pushed regulations to silly extremes the President has called a halt. This happened when the Army and Navy were deciding to ignore the elaborate White House press credentials—with birth records and fingerprints checked by the FBI—and to insist that reporters on

the trail of Army and Navy news wear special identification badges (also with photographs) issued by their own officials.

It was then that the commander in chief, grinning sympathetically as he heard an irate outburst from a veteran correspondent, agreed that the complaint was reasonable and the suggestion excellent—that what was good enough for the White House in the way of press credentials should be good enough for the Army and Navy. So ordered, remarked the President, and



Rep. Sam Hobbs



J. Edgar Hoover

told Secretary Early to so inform the generals and admirals.

But if a quiet little bill, introduced in the House a short time ago with the backing of Department of Justice, ever becomes a law, then everything that the ex-war correspondent said about Washington getting more like secretly-policed Europe will come true with a vengeance. For H.R. 2266, sponsored by Representative Sam Hobbs of Alabama, flings open the door to an orgy of wire tapping, not only by the FBI, but by every Federal investigatin agency in the whole government.

The bill specifically avoids any reference to the problems of national defense or espionage. It covers the tapping of wires of all individuals or corporations who might be suspected of intending to violate such Federal laws as income tax or labor regulations—any one of the Federal laws which provide a penalty for violation of a year in jail.

What may happen, of course, is that backers of the bill, using war hysteria and spy fever as a lever, will pry from Congress the blanket wire-tapping powers and overturn the present Supreme Court ban.

When the Wilson administration took over telephone and telegraph lines at outbreak of the World War, Congress passed a law banning wire-tapping. In '28, by a five-four decision with the late Justice Holmes denouncing the whole "dirty business" of wire tapping, evidence gained by wire-tapping under certain conditions was ruled admissable at trials, but in 1934, under the Federal Communication Act, Congress definitely outlawed all wire-tapping and the Supreme Court has since upheld that law.

The Hobbs bill was drafted by shrewd and skillful Alexander Holtzoff, special assistant to Attorney General Jackson and more significantly legal advisor to FBI. Although J. Edgar Hoover had personally denounced wire tapping in his writings and testimony, Holtzoff now goes on record with this opinion:

"As a matter of ethics, tapping telephone wires is no different from wearing false whiskers, overhearing a conversation, pretending to be an employe, or any of the other devices which have always been used by investigators from time immemorial and which have always been sanctioned by public opinion. Tapping wires is, after all, nothing but an elongated form of eavesdropping."

Holtzoff has drafted the Hobbs bill to read:

"Notwithstanding any other provision of law, whenever the head of any executive department of the United States has reasonable ground for believing that a felony . . . may have been committed, is being committed, or may be about to be committed. . . . Any investigatorial agency forming a part of such department may, in connection with investigation, detection, prevention of such felony, or the apprehension of the perpetrators thereof, intercept, listen in on, or record, telephone, telegraph, radio and any other similar messages or communications."

Opponents of the bill, knowing full well the skill and experience of Holtzoff as a bill drafter, are also alarmed over the deliberate vagueness of the concluding phrase "any other similar messages or communications."

This would mean inter-office memoranda of business concerns, of course. Some suggest it would permit the opening of mail in the most approved European style.