

Celler Accuses FBI Of Ducking Tap Probe

By ROBERT G. SPIVACK
The New York Post Correspondent

Washington, March 24—Chairman Celler of the House Judiciary Committee said today the FBI was not cooperating with his committee's investigation of wiretapping.

At the same time Celler charged the Dept. of Justice with presenting a "very unsatisfactory" explanation of its use of wiretap evidence in federal cases. The Brooklyn Democrat's criticism came at the end of the first

See Editorial, "The Sentence That Answers Nothing," on Page 35.

day's hearings on legislation "to put teeth" into the federal ban on illicit interception of telephone calls.

"I asked the FBI to come forward," Celler said, "but the FBI was loath to do so. I then announced the FBI would appear at our hearings. Then someone from the FBI called me and said they were loath to appear."

"In my opinion they should appear . . . The Judiciary Committee must know how these wiretaps operate, who authorizes them, where the equipment is located, what is the type of equipment, who buys the equipment and from whom the equipment is purchased."

Celler also said the committee members were dissatisfied with the testimony given yesterday by Warren Olney III, Asst. Attorney General in charge of the Criminal Division.

- Mr. Tolson ✓
- Mr. Boardman ✓
- Mr. Nichols ✓
- Mr. Belmont ✓
- Mr. Harbo ✓
- Mr. Mohr ✓
- Mr. Parsons ✓
- Mr. Rosen ✓
- Mr. Tamm ✓
- Mr. [redacted] ✓
- Mr. [redacted] ✓
- Mr. [redacted] ✓
- Mr. [redacted] ✓
- Miss Gandy ✓

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- Wash. News —
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memo Mr. Tolson
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Olney admitted the Dept. of Justice taps wires, but he said only with the consent of the Attorney General. We asked Mr. Olney about this practice. He was very vague and knew very little about it, although head of the Criminal Division.

Celler said that Olney left many questions unanswered and appeared not to know the answer to other questions that anybody who is head of the Criminal Division should know. Celler offered no examples.

But Celler said, Olney admitted that the Justice Dept. never tries to find out which FBI agents do the wiretapping "and under what circumstances." He found this lack of supervision "inconceivable."

"They don't check whether the leads on the case came about through the wiretap. They merely accept the results of the wiretap on blind faith from the FBI," Celler said.

"It is inconceivable how any lawyer, representing a department prosecuting a case based on wiretaps, can successfully conduct the case unless he knows the source of the material and can question the source so as to gather appropriate data for direct, re-direct plus cross-examination of witnesses.

"I would say Mr. Olney presented a very unsatisfactory case," Celler continued, "and makes necessary our probing deeper into the mysteries of wiretapping as indulged in by the Dept. of Justice."

Celler did not say what steps the committee plans to take to obtain FBI testimony. He expressed the belief there were undoubtedly violations of federal statutes involved in current FBI practices, but he doubted the Justice Dept. would prosecute any of its own agents.

Celler would make not only the tapping of phone calls, but possession of wiretap equipment a federal offense.

The only exceptions would be cases involving treason, sabotage, violations of the Atomic Energy Act and kidnaping. Wiretaps then would be permitted only upon a prior order by a federal judge.