

COMMITTEE TO  
INVESTIGATE ASSASSINATIONS

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to Harold Weisberg  
Route 8  
Frederick, Md. subject \_\_\_\_\_  
date \_\_\_\_\_

FOLD

message

Harold  
Please send Skolnick - Bayh  
clipping to P. J. Mode 7. Sen Bayh  
Room 363 Del Senate Office Bldg -  
They are most interested

Dear Mr. Mode, Tried to reach you  
by phone today, without success.  
Here is the clipping to which Bud refers.  
I do not know your relations, if any, with  
Skolnick but I have, to my deep regret, learned  
only too much about him recently.  
If there is anything else you'd like and I have it, please ask. I know too much  
about Skolnick that makes me worry about what he is capable of doing to you people

Harold  
Bud

reply

if he sees or thinks he sees what he might regard as personal benefit. This is why,  
as soon as I received the enclosed, I phoned Bud, who had seen the monster, called a  
suit, that Skolnick filed, all stolen or manufactured. In this case he was more  
irresponsible, more completely without scruple, than anything that comes to mind  
after 57 years. Sincerely, HW 4/27/70

date \_\_\_\_\_ signed \_\_\_\_\_

SENDER: Mail buff and pink copies with carbon intact.

RECEIVER: Reply, retain buff copy, return pink copy.

# Mollenhoff nixes Bayh in Haynsworth clash

Indiana's Sen. Birch Bayh was a leader in the battle against confirmation of Judge Clement Haynsworth for the U.S. Supreme Court. Because he fought, the Nixon administration has sent former Des Moines Register investigative reporter Clark Mollenhoff back to the Midlands with a juicy scandal about Bayh, his staff and a controversial bankruptcy in southern Indiana.

The tale, according to a reporter with whom Mollenhoff sat down to unload, has been lifted from the secret documents of the FBI, the Justice Department and the Internal Revenue Service.

"The FBI reports are raw interviews," said Bayh's press secretary Bill Wise in Washington. "What they really amount to is gossip. It's very dangerous stuff."

It may or may not be true. But Mollenhoff, who worked for the reinstatement of former State Department employe Otto Otepka on the grounds that governmental pressure was unfairly used against him, has adopted tactics that he once deplored. The man who exposed the TFX fighter as a military fraud may be engaged in fraud of his own on orders of his boss, Richard Nixon.

What Mollenhoff does for Nixon is officially described as being the eyes and ears of the President inside the bureaucracy: he is supposed to sniff out potential scandals and report them to the President, who can squelch them before they make trouble for the Administration. What Mollenhoff really did for the Boss until recently was dig up scandals from the previous administration and pass them on to newsmen. Nobody minded that because it was all part of the game. But the overtones of the Bayh matter are more serious.

One Chicago reporter who has been working for more than a year on Bayh's financial affairs in Indiana said that Mollenhoff reached him through a local private investigator.

"Mollenhoff hauled on the scene during the Haynsworth thing and began calling around the country on Bayh," the reporter said.

"I was appalled when I found out what Mollenhoff was doing. Bayh may not be the cleanest guy in the country. None-the-less, the fact was that the White House was using dirty methods to get a dirty guy."

The reporter said he has received a number of investigative leads through Mollenhoff on the Bayh story, both in person and by mail and telephone. He said that Paul Hope of the *Washington Star*,

David Broder of the *Washington Post* and John Apple of the *New York Times* bureau in Washington had received information against Bayh from Mollenhoff. The three reporters denied they were working on a scandal involving Bayh.

Chicago investigator Sherman Skolnick said that he has been given information about Bayh by Mollenhoff.

"In December, Mollenhoff called me from Washington and told me of some people it would be worthwhile to contact in connection with Bayh," Skolnick said. "They phoned and came here to my house."

"Nixon is trying to use various laymen, including me, to get [Judge Otto] Kerner and Bayh. I don't like to be instigated. In-so-far as they are trying to instigate me, I don't like it. It's a dirty business."



Birch Bayh

Skolnick said the charges by Mollenhoff are that Bayh misused properties of a trust for his election campaign and that he and his associates, including two Democratic judges, forced a company into bankruptcy and plundered its assets.

A *Wall Street Journal* reporter spent more than a week in Indiana looking into Mollenhoff's story. He got into the investigation about six months ago after a principal in the bankrupt firm sent an irate telegram to the Senate. The telegram subsequently disappeared and surfaced in Bayh's offices. The reporter called Mollenhoff to see what he knew.

"Mollenhoff said the telegram looked suspicious," he said. "But I've investigated the story and read the court record, and it looks to me like one of the few successful bankruptcies I've seen. The fees are in line and allegations that Bayh used those properties for his own purposes are bullshit."

According to the Chicago reporter who has been on the story, Indianapolis newspapers have investigated Mollenhoff's allegations but decided against using them for different reasons.

"The *Indianapolis Star* and *News* are no friends of Bayh," he said. "But their attorneys decided against printing the story because they have to practice before the judges who are said to be involved. You have a situation where the establishment that wanted to get Bayh saved him."

The allegations are not accepted by one of Mollenhoff's close friends, William Lambert, an associate editor of life.

"I picked up the story last summer in Washington, spread by Bayh's enemies," Lambert recalled. "I happened to be talking to Clark during the Haynsworth thing. He was unhappy with Bayh and mentioned (the scandal) to me. I'm not even sure if Mollenhoff brought up the story. He had a little additional information. He mentioned something about the trusts."

According to Lambert, who disagreed with Mollenhoff on the Haynsworth nomination, critics of Mollenhoff concentrate too much "on his work for the administration," and not enough on his previous record as a newsman. He did not explain the relationship of one to the other.

Mollenhoff has always tended to be an aggressive activist with politics on the right. He was a political partisan before he joined the Nixon administration and reportedly wrote speeches for Goldwater during the 1964 presidential campaign. His friends say that Mollenhoff took his strong pro-Goldwater stance because he was convinced that former President Johnson was a crook.

"Clark is the kind of a guy who tends to involve himself in a cause," said Lambert. "He's a very complex guy."

"Clark's going off the deep end," said Wise. "Many people are upset about this. Sen. (Marlow) Cook (R-Ky.) tried to get him axed at the White House after Clark blew his cool on a television show about the Haynsworth thing."

Wise said that during the course of that broadcast, Mollenhoff "ranted and raved" and demanded an investigation of Bayh for opposing the Haynsworth nomination.

Mollenhoff's role for the administration on the Haynsworth debate was to investigate charges against the jurist and to knock them down when possible.

In Wise's opinion, Mollenhoff got "kicked around" on the issue because of his "heavy-handed lobbying," and so decided to go after Bayh personally.

Mollenhoff would not discuss the matter with CJR. He said he might give information to an investigator but would not otherwise open his files.

Sen. Bayh was anxious to talk.

"I have to be very honest with you about this," he said. "We have had a lot of rumbles from people in the news media saying 'Be careful what you do.'"

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students? Street people? And I recalled rumors that S.D.S. Weathermen would take over the rally. The media and almost everyone else credited Weathermen with any violent street action. But street fighting wasn't new to Berkeley, and S.D.S. here was at best a brand of rhetoric. What does a Weatherman look like?

Longhairs were halting traffic at Telegraph and Bancroft. One man shattered the windshield of a moving car with his umbrella. Another sat on the wet street in front of cars. "This isn't a fucking peace march," one girl snapped at him. Human chains finally did the job. "Power to the people," they shouted as traffic backed up.

Thirty cops in flak jackets cleared the streets. A helicopter circled overhead—a reminder that police requested two helicopters to help with crime fighting. "You pigs get rid of that copter, and we'll be real peaceful," a straight-looking student type shouted. Chunks of ice from an ice cream cart sailed into the street. Cheers as a cop was hit. Embarrassed he turned to another cop, talking, pretending nothing happened.

"Pigs look silly, don't they," commented my friend Allan from the Radical Students Union.

"Whose thing is this?"

"Can't tell you," he laughed; but he really didn't know.

Back to the telephone. AP was hustling. Jim White took my first call just ten minutes before. Paul Lee typed the first add as fast I could tell it. "How many windows now?" he asked.

"Dozens."

"Any injuries?"

"None serious enough to note," and so on. The clatter of typewriters and the crowd were distractions. I left the booth sensing I had forgotten something.

The cops had pulled on gas masks and grouped. "Back to Shattuck," someone shouted. A smart move. We doubletimed downtown again smashing parking meters and windows overlooked earlier. A hip teenager drove a twelve foot board through plate glass at the bank. I ducked into a phone booth. Jim and Paul were busy on the story. I gave Earl a play by play:

"Police scattered demonstrators along Fulton. A kid was clubbed badly, but not arrested. Small packs are breaking through an auto roadblock and getting to more windows. No injuries. Gotta go; they're past me now."

I threw my notes in the street. They were uselessly wet, and I had a dry pad. I ran to Shattuck checking damage en route. Stores were locked and merchandise removed from the windows.

Sales people hung back in fear as I ran by. They thought I was a rioter, but the rioters were further downtown roaming in small groups. Cops lumbered after the "people," ratpacking the slowest. One kid went down in broken glass at American Savings and Loan. Three cops jabbed him as he looked up at me frightened and bleeding from the mouth. "What's your name?" I called.

"Dave Baker." They dragged him to the

car then sped off under a hail of bricks and things. Sirens, breaking glass, screams, red lights. It was hit and run by both sides. Another arrest. Al Juke was his name. "What's your occupation?" I yelled. A cop shoved his club in my gut. "Get out of the way," he ordered. I waved last year's press pass, but Juke was in the car and gone.

Only two arrests? There had to be more I told myself. "Two arrests," I told AP. "Check with the cops."

Susan, the beat reporter for the *Examiner*, was scared. Her first riot. She hadn't seen any arrests, so I filled her in as we walked close to the buildings. Then more sirens and red flashes shot across the slick streets.

A cop pushed me away, but inside the barber shop I glimpsed a man on his back with blood running from his mouth and nose.

"What happened? I'm with the AP."

"Talk to Lieutenant Sanders at the station. Now move."

A butcher in his stained smock muttered, "Dirty hoodlums." He told me: "This young cop was chasing a pack of hoodlums. Twenty or thirty of them turned and beat him. Knocked him to the curb and hit him with fists and something. We come out and pulled him. Looked half dead. Would have killed them if they come back." He slipped an automatic pistol half way out of his pocket.

A *Chronicle* reporter ran up gasping. "What happened?" As usual he showed up winded and firing questions? As usual he disappeared before you could grill him.

AP sucked up details of the cop beating. "Hear anything about looting a Safeway?" Jim White asked.

"No, which Safeway?"

"Ashby Avenue. A new kid with Photography said checkers at Safeway threw cans back at rioters who had disrupted the shelves."

I started for Safeway but overheard a police radio: "Sniper at College and Bancroft confirmed."

A reserve cop at College refused to talk. When I told him I wouldn't use his name, he related: "Sniper took two shots at me from a building. A bullet hit the barricade that was here." I coaxed him to give his name, then called in again.

Was he lying? A phony name? "Check with the cops," I told AP.

More than nine blocks of store windows were gone. Jagged glass framed display cases. Repairmen laughed about overtime as they worked under the street lights. The bookstore owner complained about insurance rates as wet rioters crunched along the glass-strewn sidewalk. Cops, four to a car, stopped all young people, frisking, asking questions—harrassing. I kept a press card ready.

The following morning I was handed an AP dispatch with my byline.

TIM REITERMAN

(Mr. Reiterman covers Berkeley as a "stringer" or part-time reporter for the *Associated Press*.)

## Mollenhoff . . .

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"Hearing the kind of information Mr. Skolnick says he had, it sounds like the same kind of crap, if you'll pardon my French, we were experiencing during the election. When the FBI goes out they put everything down.

"We're trying to play it low key. I would like to take off and swing. But it's perhaps not the best position politically to be in. When I first heard this was going on I wanted to get on the floor of the Senate and indignantly protest. We finally decided that this wasn't the approach."

Bayh said the administration pressure against him began in late October or early November, when Senate Judiciary Committee members began fighting the Haynsworth nomination.

"Nixon for the first time called the press in personally, in an impromptu press conference, and called me a character assassin," he recalled.

Bayh said he would not be surprised if Mollenhoff had complete access to FBI and IRS files.

"I think he's the kind of man who would use any tactics to attain what he thinks is a justifiable goal," he said. "He does think that it is a justifiable goal to get me."

Bayh's people say it is a tribute to the integrity of the press that Mollenhoff's allegations haven't been printed yet "because they're not true."

But whether there is some measure of truth to the charges or not is really beside the basic issue, which is whether there is not a real danger in an Administration marshalling the forces of federal agencies to smear a political enemy. The Bayh case seems to be an unprecedented means of suppressing dissent in the Senate, just as Atty. General John Mitchell has launched new methods of suppressing dissent in the streets.

A large number of people in Washington could be smeared on the basis of their past political affiliations, their sex lives or their financial dealings. Nixon himself estimated during the Haynsworth controversy that half the federal judges were as guilty of conflict of interest as his nominee.

The question is who is going to be exposed—the leaders of the opposition, or the men whose activities most affect the public interest? If the Bayh precedent is an indication of things to come, Congress may receive a lesson on the meaning of repression.

If the country's news media are really interested in cleaning house, what used to be called "muckracking," they will conduct their own investigations, establish their own priorities, and not wait for a Mollenhoff to present them with government files.

BRIAN BOYER