Says They Gave Erroneous Information on Him to Look

Alioto Accuses 8 Agencies of Data Leak

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JOSEPH L. ALIOTO
... deplores "big mouth"

By Michael Getler
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San Francisco Mayor Joseph L. Alioto charged yesterday that eight federal, state and local law enforcement agencies had provided confidential information about him—much of it misleading and inaccurate—to two writers from Look magazine for a September, 1969, article linking him with the Mafia.

"The government," Alioto told Sen. Sam J. Ervin's subcommittee on constitutional rights, "has not only a big ear, but a big mouth as well."

Ervin's committee met for the fifth day of hearings into government snooping and record keeping on civilians.

Among documents Alioto submitted to the subcommittee for private inspection were copies of 37 pages from the writers' notebooks which he obtained by subpoena during the course of his $12.5 million libel suit against Look, which will be retried in December.

The notebooks, the mayor charged, recount detailed discussions with FBI agents, plus "either verbatim or paraphrased" information from files of the FBI, U.S. Attorney General's office, Internal Revenue Service, Bureau of Narcotics, Bureau of Customs, Immigration and Naturalization Service, the California Criminal Identification and Investigation Bureau, and the Intelligence Bureau of the Los Angeles Police Department.

Alioto said "the scope of this illegal disclosure was so widespread that even under strict courtroom rules of evidence one has to assume it was part of a plan . . . fostered at levels higher up than the local agents involved in the disclosures.

"The objective fact," said the California Democrat, "is that it all happened around election time."

Yet, the mayor reported, the Justice Department, "claiming executive privilege, which is a polite Fifth Amendment," has refused to answer court-sanctioned questions about who authorized the disclosure of the FBI information.

Committee member Birch Bayh (D-Ind.), expressing indignation about Alioto's predicament, urged Ervin, on behalf of the committee, to demand that Attorney General John M. Mitchell explain.

Mitchell has declined an invitation to testify before Ervin's committee, but another Justice Department representative is scheduled to appear next week.

Alioto saw "great danger" in the ease with which "authors of any background can get raw, unevaluated, hearsay" information which is supposed to be confidential from so many law enforcement agencies. He said that at his first libel trial (it ended in a hung jury) Los Angeles police official admitted that the Look reporters were given two days to thumb through their files "with carte blanche access."

Alioto said the danger is compounded by the fact that the agency that permitted the disclosure is also charged with enforcing the laws against it.

Furthermore, he said that current libel laws growing out of 1964 Supreme Court decision essentially give a writer immunity to legal counterattack unless malice on the part of the publisher in proved.

Advocating tighter federal penalties for passing out uncorroborated and confidential information to unauthorized persons, he warned that the

government could manipulate this press immunity to publicize raw information "that may not be good enough to make a case in court."

He called for a law placing the burden on the publisher to prove the truth of confidential and defamatory material.

The reports mentioned in the Look authors' notebooks, names of Joe DiMaggio, Bob Hope, the late Sen. Robert F. Kennedy, Sen. Hubert Humphrey, Bing Crosby and three presidents. "The context in which they appear," he told Ervin's group, "is utterly ridiculous."

The two Look reporters, in a statement issued yesterday, claimed that since the libel action began "Mr. Alioto has propounded a succession of incredible conspiracy theories designed to discredit us and the Look story." The writers, Lance Brisson and Dick Carlson, said they were motivated solely by their "responsibility as reporters" to inform the public and "not once did we communicate with or rely on information from a political opponent of Mr. Alioto."