

# FBI's Hoover Awaits Wiretaps Ruling

By Drew Pearson

The FBI is not exactly holding its breath, but some of its agents are worried that U.S. Judge Oliver Gasch will rule

that J. Edgar Hoover has to testify in the sensational case of bugging at the Sheraton-Carlton Hotel, involving the conversations of Bobby Baker, former Secretary of the Senate and righthand man to Sen. Lyndon Johnson.

Hoover himself is reported not to be losing any sleep. He knows that Judge Gasch, a strait-laced public servant who calls the shots as he sees them, has spent much of his career as a public prosecutor, and prosecutors lean toward the FBI.

But, meanwhile, there are some amazing developments in the eavesdropping on Bobby Baker and his friend Fred Black, the public relations man who has won a new trial because the FBI romped over his constitutional rights. Black had been convicted of tax evasion, until the Justice Department went before the Supreme Court to make the embarrassing confession that J. Edgar Hoover had been eavesdropping and wire tapping for years, apparently without the knowledge of the Attorney General.

One development in the



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bugging of the Sheraton-Carlton is that the FBI agents also listened in on conversations in the VIP suite, where foreign visitors were entertained.

These visitors will now be interested in learning that for three months, Feb. 7 to April 25, 1963, every remark they made in suite 434-36 was listened to by American agents 24 hours a day.

This was because Fred Black's suite was next door—438-440—and the eavesdropping equipment which the FBI installed was so strong that it picked up conversation in the neighboring VIP suite.

Note—This year President Tito of Yugoslavia fired the Vice President of Yugoslavia, Aleksander Rankovic, because he had engaged in wire tapping. Today the Communist world is having the laugh on the United States—thanks to Hoover.

## Will FBI Be Prosecuted?

Another important development in the Bobby Baker case is the fact that the FBI has now violated his constitutional rights. This has been officially stipulated by William O. Bittman, Justice Department attorney who is contesting the case against Baker.

Reason for the stipulation was that the Justice Department was trying to dodge the fact that J. Edgar Hoover has got himself in a position where the FBI can be prosecuted either for housebreaking or violation of consti-

tutional rights. The latter is a felony with a punishment up to ten years in jail.

At present the FBI is being prosecuted criminally in Nevada, where it placed the equivalent of 125 wire taps, in collaboration with the Central Telephone Company of Nevada, also a defendant.

It should be noted in fairness that FBI men are extremely efficient and carry out orders. They should not be blamed personally. Nevertheless a criminal violation is a criminal violation.

How J. Edgar Hoover and the Justice Department are going to get around this law violation remains to be seen. For the Justice Department, which is in charge of enforcing the law, will be in the position of prosecuting an arm of the Justice Department, the FBI. In Nevada this is not the case because state law is involved. But, in the District of Columbia, Federal law is involved and the Justice Department is entrusted with enforcing it.

## Hoover's Charmed Life

The Justice Department is now under Acting Attorney General Ramsey Clark, an able young man who took over when Nicholas Katzenbach was transferred to be Under Secretary of State. There has been speculation that Katzenbach's new job was due to the fact that he approved the public confession of Hoover's wire tapping. Such an admission had never

been made before, though long suspected.

So far Hoover has led a charmed life. He had a great career back in the crime-busting days. But ever since President Johnson continued him in office two years beyond statutory retirement at 70, troubles have piled up for Hoover. The President will have another decision to make in about 30 days, when Hoover reaches his 72d birthday on Jan. 1.

Ironically Hoover has put himself in the position of probably saving the prosecution of the President's one-time friend Bobby Baker by listening in on his conversations.

This is because Baker's attorney, Edward Bennett Williams, contends that the Justice Department has nullified its case against Baker by violating his constitutional rights through eavesdropping.

The Justice Department counters by arguing that it listened in on only eleven of Baker's conversations and that these were not important to the income tax indictments subsequently brought against him.

Thousands of words of eavesdropped conversation are involved of which the Justice Department has sorted out only 34 pages recording Baker's conversations. But Baker's lawyers have not been permitted to review the balance of the eavesdropped evidence to see whether they are getting the whole truth.

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