

*Post 5/21/66*

## Dismissal of Tax Case Sought Over 'Bugging'

A request for outright dismissal of the tax evasion charges against Fred B. Black Jr. on the basis of admitted Justice Department eavesdropping, is expected today or Friday in the Supreme Court.

Hans A. Nathan, attorney for Black, said yesterday that he will ask the Court for relief "different" from suggestions by Solicitor General Thurgood Marshall, who confirmed Tuesday that FBI

agents had "bugged" talks between Black and his lawyer.

Black, one-time business partner of former Senate Majority Secretary Robert G. (Bobby) Baker, has until Friday to petition the Court to reconsider its denial of a review of his conviction and 15-month to four-year sentence. His original petition, based on a claim of prejudicial newspaper publicity, was rejected May 2.

The Solicitor General, in an extraordinary memorandum, volunteered the information that Black's suite at the Sheraton-Carlton Hotel had been bugged at the time of his indictment in March, 1963.

Marshall offered to show at a trial court hearing that Black's prosecution was untainted by information gathered from "any improper source." Court acceptance of a more sweeping proposal by Nathan would be unprecedented and unexpected.

The eavesdropping on Black occurred during an investigation of an unrelated case, Marshall said.