

# Boggs' Wiretap Stand Opposed

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The former federal prosecutor who led investigations involving at least a half-dozen members of Congress, including House Majority Leader Hale Boggs (D-La.), said yesterday that no wiretaps had ever been used in any of the probes.

Stephen H. Sachs, who as U.S. attorney for Maryland directed the investigations over a three-year period, said that the FBI, contrary to Boggs' recent allegations, has been reluctant to become involved in any investigation of a member of Congress.

"Frankly, in my experience, the FBI's enthusiasm for investigation members of Congress has always seemed to me to be well under control, to put it mildly," Sachs said. "In every matter I've ever been involved in, it has taken an approval by the Attorney General in person to put the bureau into action."

Sachs, who resigned last June after three years in office, said he was moved to speak by Boggs' charges, repeated frequently this week, that the FBI has been tapping congressional phones and otherwise keeping members of Congress under surveillance.

Boggs has said that several congressmen have complained to him that they felt they were under some form of surveillance, but he has not named them. He said he would make public the evidence to support his charges after Easter.

The FBI, the Justice Department and the White House all have stated that no congressman's phone has ever been tapped. Sachs, recalling his own experience, said that this was also his belief.

In his term of office Sachs, a Democrat, successfully prosecuted former Rep. Thomas F. Johnson (D-Md.) on a conflict-of-interest charge and directed investigations that resulted in separate, unrelated bribery indictments of former Sen. Daniel B. Brewster (D-Md.) and Rep. John Dowdy (D-Texas).

The charges against all

three involve acts that allegedly occurred while they were members of congress. Sachs also directed the grand jury that last June charged that Attorney General John N. Mitchell was blocking it from returning an indictment in a case to which the grand jury said Boggs was linked.

Sachs is serving as a special prosecutor in the Dowdy case.

He said that because charges against Dowdy and Brewster are still pending he could not comment specifically on those cases.

Defense motions filed in the two cases, which are not otherwise related to each other, allege that some form of electronic surveillance was used in the gathering of evidence.

The Justice Department, in a memorandum filed in the Brewster case, has said that the overhearing of the Brewster conversation was accidental—the senator, the Justice Department said, happened to make a call to a number that was tapped for reasons of "national security."

The tap did not produce any evidence that was used against Brewster, the Justice memo states.

The motion alleging electronic surveillance in the Dowdy case has been withheld from public view by a federal judge in Baltimore. It was learned, however, that it involved a recording of a face-to-face conversation between Dowdy and Nathan Cohen.

Cohen was named as a co-

conspirator in the case but not indicted. He is expected to be a major government witness in Dowdy's trial, scheduled for May 3 in U.S. District court in Baltimore.

In the Dowdy case, the motion to suppress evidence was argued behind closed doors last summer in the chambers of Judge Roszel C. Thomsen.

Thomsen denied the motion but never made public any opinion that would have revealed the exact charges the motion contained or the substance of the arguments.

Sachs said he has "no objection to the publication" of such an opinion, and had called Judge Thomsen on Wednesday to discuss the matter with him. Thomsen refused comment.

The motions in the Brewster case are still pending in U.S. District Court in Washington.

John W. Key Jr., one of Dowdy's attorneys, in a phone conversation from Athens, Texas, challenged the Justice Department and FBI statements that no congressman's phone had ever been tapped.

"I seriously doubt the truth and veracity of those statements," he said. "There's sure been a lot of funny things happening." He refused to elaborate, saying he would have to wait till the trial.

Last June, in the investigation involving Boggs, Judge Thomsen released an abridged version of grand jury presentment linking Boggs to an alleged conspiracy to defraud the United States on a government contract.

In making his charges against the FBI, Boggs has not mentioned that case. It has, however, been recalled by others in their speculation about Boggs' motives. No other case is publicly known in which federal agents might have been interested in Boggs' activities.

The grand jury in May had attempted to return an indictment in the case, but Mitchell refused to sign the indictment to make it valid. Following newspaper accounts of the

contents of the proposed indictment, Thomsen made public an abridged version of the document.

The abridged version charges that Baltimore contractor Victor J. Frenkil conspired with "other persons" to defraud the government in an effort to obtain a \$5 million payment on a claim by Frenkil's firm for extra expenses on a contract to build an underground parking garage at the House of Representatives.

Boggs and Sen. Russell B. Long (D-La.) were named as playing roles in the alleged conspiracy, but were not charged with any wrongdoing in the grand jury report.

The document alleged that Frenkil attempted to "gain the good will" of Boggs so that Boggs would bring his prestige to bear to get Frenkil's claim paid.

Both Boggs and Long denied any wrongdoing.

The summary of the grand jury's findings says that Frenkil remodeled Boggs' Bethesda home at a price "substantially below its cost" in order to win his backing for the claim. A Justice Department memorandum made public at that time said that it was not until two years after Frenkil's firm did the remodeling work that Boggs first contacted the capitol architect's office on Frenkil's claim for extra payments on the parking garage.

The memo went on to state that Boggs' contacts with the architect's office "cannot be shown to have been undertaken for any improper motives," the memo adds.

It was learned last year that Boggs was questioned twice by FBI agents in late 1969 on the parking garage matter.

#### Rich Contracts

Over the years Frenkil, a prominent Maryland Democrat, has been the recipient of millions of dollars in federal government contracts for his firm, Baltimore Contractors, Inc., including the contract to build the new FBI Academy at Quantico, Va.

Sachs, asked specifically

whether any of Bogg's phone conversations had ever been tapped in the course of the 1969-1970 investigation, said yesterday:

"To my knowledge, absolutely not and I would be shaken if it (a wiretap) had been done without my knowledge."

Boggs' son, Thomas Hale Boggs, said yesterday that his father's allegations that phones of members of Congress were being tapped were "not directly related" to the probe of the garage contract.

He also said that his father has received copies of some of the documents stolen from the FBI office in Media, Pa. These documents, Boggs said, do not contain information concerning wiretapes on phones of members of Congress.

The Washington Post, other newspapers and members of Congress also received copies of various stolen FBI documents, but none of these received to date contains information on surveillance of members of Congress.

The younger Boggs said his father's report after Easter would contain "specific evidence" obtained from other unspecified sources of wiretapping and surveillance of congressmen, and possible examples of FBI activity on college campuses.

He said his father had been moved to speak out against the FBI at his urging and the urging of 10 members of Congress who had complained their phones were tapped.

Modifying his father's allegations slightly, Thomas Boggs said:

"They are not, beyond a shadow of a doubt, FBI taps. It's basically our position that they (taps) are the FBI and Justice Department responsibility."

Boggs said that the alleged wiretaps, in some cases, may have been put on by other agencies of government, such as the Internal Revenue Service, but that such taps would still be the responsibility of the FBI and Justice Department.