

FBI - Duggins - Black - return to

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'King Tape' Emerges From Legend To Underline a Danger to Liberties

FOR SEVERAL years a piece of Washington apocrypha known as "the Martin Luther King tape" was the subject of sly and ugly surmise among certain journalistic insiders. There are those who claim to have had The Tape played for them by obliging law enforcement officials. Others are said to have been given transcripts of a gathering, bugged by Government investigators, at which Dr. King and friends were present.

It was one of those repugnant but enduring stories that cling to controversial public figures. The FBI and Justice Department steadfastly denied knowing anything specific about electronic surveillance of Dr. King. Shoulders would shrug, eyebrows would arch knowingly, fingers would point discreetly in other directions. And FBI Director J. Edgar Hoover contented himself with attacking the civil rights leader as "the most notorious liar in the country."

Now the unseemly truth is out. It emerged in the form of sworn testimony by FBI agents in a Houston Federal courtroom in the case of former heavyweight boxing champion Cassius Clay, now Muhammad Ali. The agents acknowledged that they had snooped on Dr. King for a period of several years.

The gist of the testimony was that a group of men—one of them a 22-year-old FBI clerk—sat in air-conditioned rooms and listened to the private conversations of this prominent American without the faintest shred of legitimacy or sufficient

cause.

"I WAS told to write down whatever I heard that I would consider of value," testified FBI agent C. Barry Pickett in words that should be engraved on some monument to our time. After four years of eavesdropping eight hours a day, five days a week on the telephone conversations of Black Muslim leader Elijah Muhammad, Pickett was elevated from clerk to agent.

Why was Dr. King under surveillance? No one has said. But it may be significant that the snooping began at a time when he criticized the FBI for assigning Southern agents to protect civil rights workers in the South. It is also ironic that this seemingly gratuitous invasion of Dr. King's personal life occurred at a time when many high-rank-

ing members of the Justice Department would have expressed nothing less than roaring outrage at the thought that his phone was being tapped by Government agents. It was the time, in other words, when Robert F. Kennedy was Attorney General of the United States.

After the disclosure last week, there was an understandable rush to disavow responsibility for electronic pursuit of Dr. King. Former Attorney General Ramsey Clark denied authorizing any wiretaps or bugs against Dr. King or Elijah Muhammad while he headed the Justice Department. His predecessor, Nicholas deB. Katzenbach declined to say anything publicly.

Did Robert Kennedy know? The FBI's only recorded comment on the affair was to refer questioners to Hoover's testimony over a period of years that each bug was authorized in writing before installation by the Attorney General. And the Justice Department last week described Hoover's testimony as "accurate in every respect." Inferentially, the FBI is saying that Mr. Kennedy knew and approved. Sen. Kennedy was questioned during the Oregon primary in 1968 about the charge that he ordered Dr. King's phone tapped and his reply was equivocal.

IN JUNE, 1965, President Johnson issued an executive order prohibiting wiretapping except in "national se-

curity" investigations. In his testimony Hoover speaks of "internal security" matters.

What constitutes "internal security," this column asked of an FBI spokesman. "It has to speak for itself," he replied.

There is a spectacular ambiguity about it all.

Attorney General John N. Mitchell now intends to use the authority conferred on him by Congress last year to use wiretaps in the wide variety of cases permitted under the new Omnibus Crime Act.

When you consider the scope of the blatantly illegal wiretapping carried out by Government agents during the past few years it boggles the mind to consider how pervasive official snooping might become once it was legitimized by local courts at the behest of local prosecutors. During the second half of 1968, for example, state officials obtained 174 wiretapping warrants, all but seven of them in New York where authorities used wiretapping for such suspected offenses as larceny and gambling.

It is chilling to contemplate the size of the electronic dragnet that might be thrown over American citizens in the name of stamping out suspected gambling violations.

Yet President Nixon and his Attorney General have embraced the new Federal eavesdropping law with resounding public enthusiasm. They may rue it when the returns start coming in.