

Bribery Trial Told Dowdy Was 'Bugged'

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BALTIMORE, Nov. 11 — The man who allegedly bribed Rep. John Dowdy testified today that the FBI equipped him with a tape recorder last year and sent him into Dowdy's office to record a conversation about the alleged \$25,000 bribe.

Nathan H. Cohen, former president of the now defunct Monarch Construction Co. of Silver Spring, testified that the two also discussed the possibility of his paying an additional \$5,000 to Dowdy.

The recording of the alleged conversation was not played in court today, but Judge Roszel C. Thomsen indicated outside of the jury's presence that it would be played at a later date. Thomsen ruled in a pretrial hearing last year that the tape was admissible as evidence.

Cohen, on the stand for a second full day, was rigorously cross-examined by defense attorney Kirkpatrick W. Dilling today, but Dilling was

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unable to get Cohen to change the testimony he had given on direct examination.

Cross-examination will continue when the trial resumes in U.S. District court here on Monday.

Dowdy, a 19-year veteran East Texas congressman, is on trial on charges of bribery, perjury, conspiracy to obstruct justice and conspiracy to violate conflict-of-interest statutes.

Cohen testified yesterday and today that the alleged bribe was paid to get Dowdy to thwart various federal agencies' investigations of the activities of Monarch, a home improvement firm, and to prevent Cohen from being indicted for fraud.

He also testified that the alleged bribe was handed over to Dowdy in the Atlanta airport by two of his business associates on Sept. 22, 1965.

Committee Hearing

Cohen said that Dowdy was to call a hearing of the D. C. Committee's Select Subcommittee, of which he was then chairman, to investigate Monarch's operation. Cohen would be granted immunity from prosecution in return for his testimony, Cohen said.

The hearing was never held, but Dowdy did help stall the investigations in several ways, Cohen testified yesterday. Among other things, Dowdy talked to investigators and furnished Cohen with copies of confidential reports com-

plied in secret investigations of Monarch by the Justice Department, Housing and Home Finance Agency and the D.C. licensing department, according to Cohen's testimony.

Cohen testified that, in a final desperate bid to avoid prosecution, he agreed to cooperate with government investigators in late-1969. In his direct testimony today, Cohen said he helped the government record three conversations between himself and Dowdy. Two of these were telephone conversations, he said.

The third and most important conversation, he said, took place in Dowdy's office in the Rayburn Building on Jan. 20, 1970.

2 Microphones

Cohen said that two FBI agents strapped a miniature tape recorder to his back and put two microphones on his shoulders, all concealed under his shirt, jacket and topcoat. The agents then accompanied him to the door of Dowdy's office, and sent him into the office alone to talk to Dowdy, he said.

Cohen said he told Dowdy he was concerned that federal prosecutors were again investigating Monarch's affairs and he feared he would be indicted. (Cohen, in fact, later pleaded guilty, in March, 1970, in federal court to a charge of defrauding Monarch customers. He received a suspended sentence and agreed to make restitution of \$52,000.)

During the course of the recorded conversation, Cohen

said he reminded Dowdy of the \$25,000 he allegedly paid the congressman more than four years earlier.

"I told him I really didn't think he hadn't earned the money and that I really wasn't there to complain," Cohen testified. ". . . I told him I thought he had done a pretty good job in keeping it (the investigation) dormant so long."

Cohen said Dowdy responded that he had "lost his contacts" with the change of administration (a reference to President Nixon's 1968 election) and was not sure what he could do.

Then, Cohen said, he discussed the possibility of paying Dowdy another \$5,000 if Dowdy could help again in blocking an indictment. (Yesterday, Cohen testified he had previously discussed the additional \$5,000 during an unrecorded conversation with Dowdy.)

Cohen said he suggested making the \$5,000 payoff in the Atlanta airport, as in 1965. Dowdy dismissed the suggestion, Cohen said, calling the airport setting for the original payoff as "myrvin's theatrics." This was a reference to Myrvin C. Clark, Monarch's former sales manager, who Cohen said handed the money to Dowdy in Atlanta.

Clark was indicted as Dowdy's codefendant. He pleaded guilty to that part of the indictment that charged he traveled to Atlanta to make the \$25,000 pay-off. Clark is also cooperating with the govern-

ment and is expected to testify.

Cohen was named as a co-conspirator in the indictment, but was not indicted. He and his mother, Thelma Cohen, Monarch's former bookkeeper, have been granted immunity from further prosecution in return for cooperating with the government. Cohen testified earlier that his mother lent him most of the alleged bribe money.

Under cross-examination by Dilling, Cohen said that before he went to Dowdy's office with the tape recorder he discussed the matter with Stephen H. Sachs, then the U. S. attorney for Maryland. Sachs is serving as a special prosecutor for the Dowdy trial.

Cohen said he and Sachs agreed that Cohen "should not alarm the congressman," but should carry on a normal conversation "in which I managed to mention . . . that I had paid the congressman \$25,000."

'The Poor People'

Dilling tried unsuccessfully to prod Cohen to agree that the mention of \$25,000 actually referred to "the amount of restitution paid to the poor people you had gypped and swindled" in the Monarch operation.

Dilling also attempted unsuccessfully to persuade Cohen that "Myrvin's theatrics" was actually a reference to a document on the "humanities and arts" that Dilling suggested had been on Dowdy's desk.

Questioned by Dilling,

Cohen acknowledged that when he testified before the grand jury in late March, 1970, he modified the statement he had given the government two months previously.

Cohen said he had first told the government the \$25,000 was paid to Dowdy on Sept. 23, 1965, but later changed this to Sept. 22, after he had

seen bank and telephone records that refreshed his memory.

Cohen also acknowledged that he had initially told the government he had paid Dowdy \$30,000 but later amended this to say that he paid Dowdy \$25,000 and discussed the possibility of paying him another \$5,000.

Cohen said he originally told the government that he first met privately with Dowdy to discuss the \$25,000 payment at a Washington hotel in mid-September, 1965, but that he later recalled the meeting actually took place in Dowdy's Capitol Hill office.

Dilling expressed surprise

that Cohen, then 28, was going for the time in his young life "to bribe a congressman and you can't remember where." Dilling also asked Cohen if he didn't, in fact, know his way around congressional offices quite well at that time. Cohen responded, "No . . . that was my introduction to Capitol Hill."