The Washington Post

AN INDEPENDENT NEWSPAPER · SUNDAY, APRIL 18, 1971 PAGE C6

A Slight Case of Deception

Responsible officials at the Department of Justice—specifically, the Attorney General, the Deputy Attorney General and the Director of the Federal Bureau of Investigation—have joined in conveying to Congress and to the public an impression that the FBI never, under any circumstances, at any time, or in any manner, subjected a member of Congress to electronic surveillance or, for that matter, any other kind of surveillance.

In response to a charge by House Majority Leader Hale Boggs that his own telephone had been tapped by the FBI, Attorney General Mitchell said that the charge "had no factual basis whatever" and amounted to a "reckless and cruel attack upon a dedicated American."

Commenting on the same charge, Deputy Attorney General Kleindienst said: "The issue here is whether or not the bureau has used electronic surveillance or the tapping of telephones of senators and congressmen even in a case like that (a case involving the commission of a specific illegal act), and the bureau has not done so."

FBI Director J. Edgar Hoover was quoted by the office of Senate Minority Leader Hugh Scott as declaring: "I want to make a positive assertion that there has never been a wiretap of a senator's phone or the phone of a member of Congress since I became director in 1925, nor has any member of the Congress or the Senate been under surveillance by the FBI."

Finally, in response to a direct question, a Justice Department spokesman said: "The FBI has never installed an electronic listening device of any kind in the home, office or on the telephone of a U.S. senator or congressman."

You would be entitled from the foregoing, would you not, to draw the inference that the FBI had never done any eavesdropping of any sort on a member of the Congress? Well, you would be wrong. Documents released on Friday by U.S. District Court Judge Roszel Thomsen show that with the approval of Attorney General Mitchell and the knowledge of FBI Director Hoover, four conversations between Rep. John Dowdy and an FBI informant were recorded electronically by federal investigators during an inquiry into the congressman's activities. The FBI, apparently, sent an informant into Mr. Dowdy's office—escorted him there, indeed, according to the U.S. Attorney handling his prosecution—and recorded his conversation with the congressman by means of a hidden tape recorder strapped to the informant's back. Telephone conversations between the congressman and the informant were also recorded.

The use of the tape recorder and the taps is said to have been legal and approved in advance by Attorney General Mitchell and Judge Thomsen. An assistant director of information for the Department of Justice has sought to gloss it over as consonant with the department's earlier disclaimers by saying, "If we record a conversation and it is directed to use, we do not consider it as surveillance as such." By any reasonable and ordinary definition of the term, we think that what the FBI did in the case of Congressman Dowdy amounted to "surveillance as such." It is technically true that it did not involve the "installation" of a listening device in the home, office or telephone of a congressman. But it did, obviously, involve the doing of something which the Attorney General, the Deputy Attorney General and the director of the FBI led the public to believe had not been done. There is, at the very least, a disingenuousness here reminiscent of the FBI's flagrant concealment of its wiretapping activity in the Coplon case 22 years ago.

The most polite term that can be applied to such conduct is deception. If a small boy is asked whether he had his hand in a cookie jar and says no—only to have it learned later that he fished out the cookies with a thumb and forefinger—he is likely to be in for some sort of chastisement.

What is the country to do with high government officials entrusted with the responsibilities of law enforcement—whose statements it cannot wholly trust?

"People Who Tell You About Us
Are Just Spreading Fear"