

4/23/71

National Editor
The New York Times
New York, N.Y.

Dear Sir,

I have just received a copy of Robert M. Smith's April 19 story headed, "F.B.I. Back to Normal, Catching Suspects, Keeping Mum".

Among other things this, quite incorrectly, credits Hoover and the FBI ~~with~~ "With the arrests" of a number, including "Rev. Dr. Martin Luther King's assassin, James Earl Ray."

No police force of any character had less to do with the apprehension of Ray, or trailing him or even knowing where he was at any time. I go into this in quite some detail in my book FRAME-UP (I enclose copies of the Publisher's Weekly and Saturday Review reviews). The FBI never knew where Ray was when he was there.

True, the FBI grabbed credit so fast their taking of credit for what they did not do is in itself inaccurate. But the simple facts are;

- a) Scotland Yard, not the FBI arrested Ray;
- b) that was, from all available evidence, accident, not police science;
- c) and the Canadian "ounties, not the FBI, made the identification possible.

The distressing truth is that although Ray was "wanted" by the FBI for his Missouri prison break, it took them two weeks to identify his fingerprints and then from records supplied by the Los Angeles police, not their own touted records.

If he'd been a baby doctor, a guitar-strumming girl, a peacenik, long-haired boy, no doubt they've have located others of his prints they should have had from his earlier crimes with little difficulty.

Even the "keeping mum" part of your headline is dubious. They "leak" like mad, and with what was none of their business about King they never stopped.

There are occasional exceptions. Where you'd not expect him to, Hoover can keep mum. When Joseph Tafe was a criminal-division lawyer temporarily assigned to New Orleans, he was arrested and charged, among other things, with impersonating an FBI agent. Reputedly Hoover takes as dim a view of this as his unclassified clerks engaging in peace activity on their own time, for which he fires them. Girls, too. But one Joseph Tafe was just this week charged by witnesses in the Barrigan case, the dubious Harrisburg grand-jury proceeding, with threatening to call witnesses before the grand jury if they did not consent to interviews. Joseph Tafe is now, according to press account, assigned to "Internal Security". What better place for a man charged with a crime and related misdemeanors?

Sincerely,

Harold Weisberg

F. B. I. Back to Normal, Catching Suspects

By ROBERT M. SMITH

Special to THE NEW YORK TIMES

WASHINGTON, April 18 — "It's business as usual, no problems at all. We're just going about normal tasks."

That is the way Thomas F. Bishop, an assistant director of the Federal Bureau of Investigation, described the mood of the bureau at the end of one of the stormiest weeks in its history.

Indeed, it appeared like business as usual. In the middle of the week the bureau captured one of its "10 most wanted" criminals, a suspected murderer, in Pacifica, Calif. And, after an outpouring of wrath six weeks ago at Senator George S. McGovern, when the South Dakota Democrat sharply criticized the bureau, traditional silence reigned in the hall of the Justice Department building occupied by the F.B.I.

Using the low-profile bureaucratic style he has employed most, if not all of the 46 years he has run the place, John Edgar Hoover sat in the fifth-floor office granting no interviews, making no statements and taking none of the proffered opportunities to defend himself against criticism that by week's end had a most unusual stridency.

Mr. Bishop, who heads the bureau's crime records division, is also its chief public relations man. When he was not in a series of frantic meetings last week with Justice Department and F.B.I. officials, he passed out a succession of no comments to a growing band of pesky newsmen, telling at least one of them that the newsmen was not "supposed" to seek to talk with bureau officials other than himself.

Depending on Goodwill

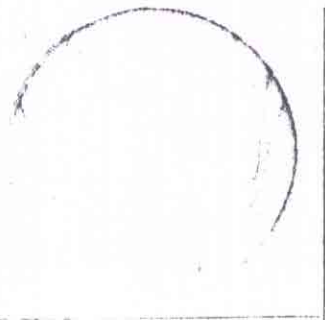
It was clear that the bureau had returned to its traditional policy of silence, depending on its friends in Congress and the executive branch and, more importantly, on the reservoir of trust and goodwill among the American people that Mr. Hoover believes he has built.

The question for those charting the mood of the bureau is why it reverted to silence after venting no little wrath on Mr. McGovern.

The reversion comes at a time when even some of his supporters are saying Mr. Hoover may be in his most serious trouble. There is a feeling that the critics may be draining,

gallon by gallon, reservoir of goodwill built over the years with the arrests in the 30's of gangsters, in the 40's of Nazi spies, in the 50's of Communists and in the 60's of the Rev. Dr. Martin Luther King Jr.'s assassin, James Earl Ray.

Part of Mr. Hoover's problem seems to be that, even if the



bureau remains silent, its critics do not. They came in last week with still more troublesome allegations that the F.B.I.'s 7,910 special agents (108 from non-white minority groups) were doing things they should not.

Representative Hale Boggs of Louisiana, the House majority leader, charged on April 6 that the bureau was tapping Congressmen's telephones.

Next, Senator Edmund S. Muskie, the Democratic Presidential aspirant from Maine, released an F.B.I. report showing that the bureau had engaged in surveillance of Earth Day, an antipollution rally held here a year ago. And then it was discovered that the bureau had — with court approval — sent an informer into the office of Representative John Dowdy, Democrat of Texas, with a hidden tape recorder and had recorded telephone conversations between the informer and Mr. Dowdy.

Anderson and McGovern

These disclosures piled atop criticism of the bureau by Representative William R. Anderson, Democrat of Tennessee, last November and Senator McGovern in January.

Mr. Anderson chastised Mr. Hoover for telling a Senate subcommittee that the Rev. Philip and Daniel J. Berrigan were the leaders of a group plotting to kidnap a Presidential aide and damage Government buildings in Washington.

Senator McGovern called

for an investigation of Mr. Hoover's "persecution" of John Shaw, an F.B.I. agent dismissed for writing a letter on the strength and shortcomings of the bureau.

After his speech, Senator McGovern received and entered in the Congressional Record an unsigned letter purportedly written by 10 F.B.I. agents that decried what they said was a Hoover cult of personality in the bureau.

That did it for the bureau. Senator McGovern received a stream of 21 letters that made it clear that events had not altered the loyalty of the F.B.I. leadership to Mr. Hoover. The letters also made it clear that the bureau's top executives regarded the Senator's statements

as the smears of a headline-hunting politician.

Clyde A. Tolson, the associate F.B.I. director, wrote: "You are not the first person I have encountered during almost 50 years in Washington whose ambition has far exceeded his ability."

'Champion of Privacy'

Ivan W. Conrad, an assistant director wrote: "The vast majority of Americans know from long years of experience that there is neither now nor has ever been a greater champion of their personal privacy and personal freedom than Mr. Hoover."

Some of the letter-writers showed sensitivity to the issue of their director's age. James H. Gale, another assistant director & wrote: "Far from being senile, his mind is as razor sharp as it was when I first talked to him 20 years ago."

William S. Tavel, an assistant director, wrote that the anonymous agents had "failed to specify even one case where the bureau's responsibilities have been neglected. They cannot do so truthfully because none have been," he added.

Senator McGovern entered all of these letters in the record noting that they had all been written by members of the bureau's hierarchy. Then there descended on him 200 more letters, this time from F.B.I. agents, secretaries, inspectors

and clerks.

The Senator said that many of the letters followed the same pattern and used similar stationery. He suggested that they had all been inspired.

Thus, the bureau brought in cannon for use against Senator McGovern and his anonymous evidence. But it tried no such thing with Senator Muskie or

Representative Boggs or Senator Edward M. Kennedy. The Massachusetts Democrat quietly said in answer to a question one night that he too thought Mr. Hoover should retire.

In the meanwhile, President Nixon stayed out of the fray for 10 days after Mr. Boggs made his charges, and when he did speak out directly he refused to say how long he intended to keep Mr. Hoover in his post.

The widely accepted view here is that the White House now finds Mr. Hoover an embarrassment and would in fact love to edge him out of his job if it could do so gracefully. The problem, in this view, is that the harder the Democrats attack the director, the harder it is for Mr. Nixon to seem to capitulate by retiring him.

Last Friday, President Nixon told newsmen that he would not discuss Mr. Hoover's tenure, but he said he believed "it would be most unfortunate" to allow him "to go out under a cloud, maligned unfairly by many critics."

The President also suggested that the critics might be hurting their own cause. Knowing Mr. Hoover, he said, he believed the effect of the criticism would be "not to hasten his retirement but to have him dig in."

A Shift by Mansfield

Two events have shifted the opinion of some officials here who initially discounted the unsubstantiated charges by Mr. Boggs. These were the disclosure of the surveillance of Representative Dowdy.

Thus, Senator Mike Mansfield of Montana, the majority leader, first criticized Mr. Hoover's detractors, then conceded he was having second thoughts and

called for a Congressional investigation.

Today, Senator Sam J. Ervin Jr., chairman of the Subcommittee on Constitutional Rights, said he had seen no evidence of illegal acts by the F.B.I. and would not make it a target of his inquiry on Governmental surveillance unless he first saw such evidence.

Even if a Congressional investigation were begun it is unclear how far it would go.

Representative Roger H. Zion, Republican of Indiana, said today that the criticism of Mr. Hoover has been initiated by Communists.

Still other Congressmen may be worried about the bureau but are also worried about becoming involved in a dispute with it. Sophisticated lawyers in government and on its fringes contend that many officeholders believe that the bureau has files with material on the personal peccadilloes of people in government and were—justifiably or not—afraid of being blackmailed.

In addition, Mr. Hoover has many friends on Capitol Hill, including Senator Hugh Scott of Pennsylvania, the minority leader and Representative John J. Rooney, the Brooklyn Democrat who heads the House appropriation subcommittee that oversees the F.B.I.'s budget.

Finally, no investigation would take place on Capitol Hill in Congressmen felt their constituents were not aroused. And it is precisely in these constituents—the public at large—that the bureau is placing its confidence.

This is probably why Mr. Bishop, the F.B.I. press relations man, urged a reporter not to interview "figureheads" in Washington. "Get out," he counseled, "and talk with John

MONDAY, APRIL 19, 1971

and Keeping Mum

Q. Citizen in Des Moines, Iowa."

Critics of the bureau are saying that the public is concerned enough about the charges to warrant at least an investigation. Ronald L. Ziegler, the President's press secretary, seemed to detect some of this mood last week. He said he found it distressing that there is an impression that is creating a feeling of fear among the people that they are being spied upon."