



N.Y. Post - 6/13/67

FBI Sex Serial

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Will most Americans sleep better if they know that FBI bachelors—including those on the lowliest echelons—sleep alone, or only in apartments shared with men?

Is the FBI's prestige gravely tarnished by a male fingerprint clerk who confesses that he shared his quarters for two nights with a longtime female friend from Texas on a visit to Washington?

Such questions were initially aired last year when Thomas Henry Carter, the dismissed clerk, filed suit against FBI Director J. Edgar Hoover. The case is approaching another decisive round; a study of the briefs submitted to the U.S. Court of Appeals—and especially the remarkable documents in Mr. Hoover's behalf—bizarrely augments the fragmentary published reports.

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With respect to the facts of Mr. Carter's fall from grace (the name of the young lady involved is not revealed), numerous unpublished details are now available; there is no serious dispute about them. The legal conflicts, of course, are a separate matter.

Mr. Carter's troubles began on Aug. 18, 1965, when the FBI received this anonymous letter:

"Would like to make a complaint about fellow working for FBI, his name is Thomas H. Carter who lives at Kennebuck House or apartments; sleeping with young girls and carrying on; it annoys me terrible. I wish you can do something about it. Thank you."

On the basis of this unsigned illiteracy, Carter was summoned that very day to the office of Special Agent Whitwam. Reluctant at first to discuss such private matters but uncertain of his rights, he told all. It was a modest saga of an FBI man in limited action; indeed, Mr. Carter, an Air Force veteran at age 25, offered what some men might regard as the humiliating self-defense that "nothing had happened" except some "spooning" and "necking." (He shared the two-bedroom apartment with three other FBI employes who graciously granted Carter and guest one of the rooms.)

At Whitwam's insistence, Carter wrote out the details:

"On Sunday morning [the girl] came into town and I met her at the airport. She stayed at the apartment on the night of the 15th and 17th August, staying elsewhere on the 16th . . .

"On the nights of the 15th and 17th, we slept in the same bedroom and in the same bed. On the 16th [the girl] spent the night at my cousin's apartment . . . I spent from 12:00 midnight to 5:30 a.m. there also. However, she slept on the couch and I slept on the floor. On the night of 16th and 17th August I was clothed in bermudas and teeshirt, and on the night of 15th in bermudas and a sport shift. At no time during these three nights or at any previous date have there been sexual relations between us."

"This is the first time anything of this nature has happened in our residence. . . ."

There ensued questioning of Carter's roommates, one of whom was asked whether he had "heard a bed creaking in the next room"; the answer was negative. Other developments not crucial to the immediate chronicle ensued; on Aug. 26, 1965—just eight days after the arrival of the anonymous note—Carter was handed a cryptic letter of dismissal "in view of your conduct unbecoming an employe of this Bureau." It was signed by J. Edgar Hoover; Carter was the FBI's newest unwanted man.

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Carter (two of whose roommates found themselves obliged

to resign for refusing to desert him) chose to fight back. He lost in the District Court, where Judge Alexander Holtzoff, who has long tended to gargle when Mr. Hoover coughs, upheld the dismissal with a "summary judgment." Now, as the battle heads for the Court of Appeals, the U.S. Attorney's Office in Washington—entrusted with the defense of Hoover's action—has submitted a brief that deserves immortality in the files of the literature of morality. It declares, among other things:

"The nexus of this case is whether the FBI was invidiously discriminating in the Constitutional sense in dismissing appellant for 'conduct unbecoming an employe of this Bureau' on the grounds that he had kept a girl in his apartment overnight, and slept in the same bed with the girl, on two occasions, and that the appellant's sexual misadventures (*does this phrase reflect on his virility or discretion?*) had become sufficiently public knowledge to cause an anonymous complaint to the FBI.

"That is the long and short of it." Beyond that infelicitous phrase, it is further argued that Carter violated his own privacy; it was he who minimized what happened in bed and "thereby lifts the shades and peeps within." The government says it did not choose to labor the point although Carter was initially questioned about it:

"What took place inside is of little significance save that it was not entirely innocent; this was not appellant's sister, and she spent two entire nights locked in that bedroom, and presumably in his embrace, with appellant.

"The presumption is important because it is the natural one; people generally assume that couples who sleep together 'also sleep together.' Appellant knew that. He knew that the FBI had a reputation to protect."

Clearly these pronouncements on the sleeping habits of the human species evoke many questions to be explored on another day. For the moment it is rewarding to note that the FBI would have apparently waived any presumption of incest if Carter had then spent two nights locked in the same room with his sister, or any sinister theory if the visitor girl has been a man.