

Ex-FBI Agent Sues Hoover Over 'Personal Retribution'

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NEW YORK, Jan. 27 — FBI Director J. Edgar Hoover was accused of violating the constitutional rights or one of his own agents in an unusual suit filed today by the American Civil Liberties Union foundation.

Hoover was charged with "a vindictive act of personal retribution" by former agent John F. Shaw, who claims he was suspended, transferred and blacklisted solely because he wrote a private letter critical of the FBI director.

Shaw was an agent from 1963 until last September when his resignation was accepted "with prejudice" by Hoover, who told Shaw he exercised "atrocious judgment" by transmitting to someone not employed by the bureau "material critical of the FBI."

The suit filed in a federal district court here asked that Shaw be reinstated with full back pay and that the words "with prejudice" be deleted from his personnel file. Shaw, 37, claims he has been unable to find a job because of this hostile notation in his record.

A spokesman for the FBI in Washington said the bureau had no comment on the lawsuit.

Shaw, a former Marine captain, was one of three FBI agents taking courses last summer at the John Jay College of Criminal Justice in New York. He was preparing for a new assignment at the FBI National Academy.

When a professor expressed criticism of the FBI, Shaw responded by writing a 16-page

letter in which he defended the bureau against extreme attacks but conceded that a "personality cult" revolved around "one key figure, viz., the life and exploits of J. Edgar Hoover."

In the letter, Shaw asked the professor, Abraham S. Blumberg, to keep the letter in complete confidence. "Otherwise," he said, "I shall be obliged to begin preparing my defense before some governmental court of inquisition. . . I would prefer not to be martyred this calendar year."

Shaw had the letter typed by the FBI typing pool in the New York field office. Word of its contents reached the assistant director of the office, who insisted that Shaw surrender the letter. When he refused, according to Shaw, his superiors retrieved fragments from a wastebasket.

On Sept. 22, Shaw was notified by Hoover that he had been suspended for 30 days, placed on probation for his "atrocious judgment" and ordered transferred to Butte, Mont.

Two days later Shaw wrote Hoover saying he was resigning because of personal considerations that precluded acceptance of the transfer to Montana. Shaw, a father of four, told a press conference today that his wife has been seriously ill for some months.

Shaw concluded by saying, "I have served the FBI with consistent application and considerable pride and devotion since July of 1963, but in view of certain issues recently raised by my administrative superiors in my regard, leading up to and resulting in my

official transfer at this time, I consider it necessary to tender my resignation."

Shaw then received this terse telex message from Hoover: "This is to advise you your resignation is being accepted with prejudice active duty having ceased Sept. 18. Action being taken in view of your atrocious judgment."

At a press conference today, Shaw said he was "manhandled officially and unofficially" and that the FBI's verdict "appeared to be in before my statement was even given."

He said he believed his criticisms of the FBI "were heartily supported" by his co-workers in the force field offices in which he had worked.

Since resigning, Shaw has applied for a number of jobs in the security field but he says that every time potential employers checked with the FBI they then declined to hire him.

The ACLU suit charges that the FBI failed to observe civil service procedures in suspending Shaw and that the agent's rights under the First, Fourth, Sixth and Ninth Amendments to the Constitution had been violated.

The suit contends that Shaw had the rights of freedom of speech and academic freedom in commenting without malice about a public agency and also had the rights of privacy and of freedom from unreasonable searches under the Bill of Rights.

Defendants in the suit, besides Hoover, include Attorney General John N. Mitchell, Civil Service Commissioner Robert E. Hampton, and John Malone, assistant director of the New York FBI office.