

Ex-Aide Disputes Clark, Calls Bugging Valuable

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William O. Bittman, the former Government prosecutor who won convictions against James R. Hoffa and Robert G. Baker, has disputed Attorney General Ramsey Clark's suggestion that the Government's electronic eavesdropping was ineffective in combating crime.

Mr. Bittman left the Justice Department last month not because of policy disagreements, but to become a partner of Hogan and Hartson, one of Washington's largest law firms.

He agreed to be quoted about his experiences with information picked up through electronic bugging because, he said, other lawyers who know the facts are still employed by the Government.

"I'm out now, so I can tell the facts," he said.

"There is no question, in my opinion," Mr. Bittman said in an interview, "that the use of certain electrical devices would be of great help in fighting organized crime in this country if it could be used as evidence."

He said that in preparing for certain trials as a Government prosecutor, he had read numerous logs in which agents of the Federal Bureau of Investigation had recorded conversations picked up by hidden microphones.

The Supreme Court has ruled that conversations picked up on bugs planted by trespassing, as these were, cannot be entered in evidence.

Evidence developed through leads obtained by bugging is also inadmissible. Therefore, Mr. Bittman said, he read the F.B.I.'s logs of all bugged conversations involving any individuals whom he prosecuted to make certain that none of his evidence had been tainted by bugging.

In the trial of Mr. Baker, the former Senate Democratic secretary, who had business contacts with Las Vegas gambling figures, Mr. Bittman read reams of logs of bugged conversations in Las Vegas casino offices. Last month seven Las Vegas casino operators were indicted for "skimming" — concealing gambling receipts and not paying income taxes on them.

"In Las Vegas," Mr. Bittman said, "the Government learned from bugging the amount of money that was being skimmed, who was doing the skimming, how the skimming was done, who the couriers were that were delivering the money around the country, when they were leaving and who was going to receive the money."

"How can you say this was no help to law enforcement?"

The Government contends that the case against the Las Vegas gamblers were made by

agents of the Internal Revenue Service, without the aid of any evidence picked up by the F.B.I. bugging, which occurred in various casinos from 1961 until some of the bugs were discovered three years later.

Mr. Bittman said that "we are losing the battle against organized crime."

"Since we're not staying even, I don't think we should deny reputable law enforcement any legitimate tool," he said.

Law Opposed

Attorney General Clark has opposed a law to permit wiretapping and bugging by the state police and Federal agents. He and President Johnson support a bill that would outlaw all private and official eavesdropping, except in internal security cases with the permission of the Attorney General.

Mr. Clark's basic argument has been that police eavesdropping is a harbinger of the "big brother" state, but he has also said in Congressional testimony and published interviews that the Federal Government's eavesdropping proved ineffective and wasteful of police manpower.

This position suffered a setback last week when the F.B.I. arrested a reputed Cosa Nostra leader who had been bugged by F.B.I. agents from March, 1962, until President Johnson ordered an end to all eavesdropping by Federal anticrime investigators in July of 1965.

The defendant, Raymond L. S. Patriarca of Providence, R. I., was accused of conspiring with two other Providence men to murder William Marfeo, a Providence gambler, who was shot down, gangland style, on July 13, 1966.

It is widely known in the Justice Department and in law enforcement circles in Providence that the F.B.I. learned, through its eavesdropping activities, that Marfeo was marked for murder in February, 1964, by the New England Cosa Nostra.

The bureau was able to warn the Providence police of specific plans to murder Marfeo in February, 1964, and again in the spring of 1965. On both occasions the police let it be known that Marfeo was under their protection, and no murder attempt was made. He was killed a year after the F.B.I.'s bugging operations were halted.

Some of the bureau's summaries of conversations picked

up on the Patriarca bug became public last month when they were entered in evidence in the tax evasion conviction of another reputed Cosa Nostra figure, Louis Taglianetti of Warwick, R. I.

In an attempt to prove that tainted evidence had been used by the Government, Taglianetti's lawyer insisted on postconviction proceedings that all reports of bugged conversations in which Taglianetti took part be entered in evidence.

The sampling of daily eavesdropping reports that was introduced into evidence contained information about gangland murders, police bribery, gambling, labor union corruption and initiation rites of the Cosa Nostra.

Mr. Bittman emphasized that some of the individuals he had prosecuted had not been the subject of eavesdropping by Federal agents. Attorneys for Hoffa, the teamsters' leader, have claimed that bugs were used on him, but the Government has denied it and no evidence of this has ever been produced.