

F.B.I. SAID TO BUG A HOUSE MEMBER

Agents Reportedly Sent Man
Wearing Hidden Recorder
to Office at the Capitol

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WASHINGTON, April 15 —

The Federal Bureau of Investigation sent an informer into Representative John Dowdy's office on Capitol Hill in 1970 with a hidden tape recorder strapped to his back, according to reliable sources.

Besides recording the informer's conversation with the Texas Democrat at the Capitol, the bureau also monitored, and presumably recorded, telephone conversations between the two men, the sources said. Mr. Dowdy was indicted for accepting \$25,000 in a bribery conspiracy.

The sources stressed that these actions by the bureau did not lend support to the charges of Representative Hale Boggs, Democrat of Louisiana, the House majority leader, that the bureau was tapping the telephones of Congressmen.

They took this position because the listening had been done at the informer's end of the telephone line, not Mr. Dowdy's, and noted that the informer had initiated the calls.

They said that the bureau acted in the Dowdy case only

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after prodding by the local United States Attorney, Stephen H. Sachs, and after Attorney General John N. Mitchell gave his personal approval, that Federal District Judge Roszel C. Thomsen approved the moves in advance; and that the moves were specific actions taken in a single criminal investigation, not ongoing surveillance.

Statements Contradicted

But these steps by the bureau do contradict recent statements by officials of the Department of Justice that the bureau has never engaged in electronic surveillance of Congressmen, even in investigating specific illegal acts.

On April 7, for example, Richard G. Kleindienst, the Deputy Attorney General, said in an interview on a Columbia Broadcasting System news program:

"There have been a few specific instances where members of Congress have been accused of the commission of a specific illegal act. The F.B.I. would naturally conduct a limited investigation with respect to any such illegal conduct.

"But the issue here is whether or not the F.B.I. had used electronic surveillance or the tapping of telephones of Senators and Congressmen even in a case like that, and the F.B.I. has not done so."

Yesterday, a reporter asked a Justice Department spokesman whether the bureau had ever engaged in electronic eaves-



John Dowdy

dropping on any Congressman. The spokesman answered:

"The F.B.I. has never installed an electronic listening device of any kind in the home, office or on the telephone of a United States Senator or Congressman."

Today, the reporter asked whether the bureau had ever used an electronic listening device without installing it. The Justice Department refused to answer the question, saying it would "stand on" its earlier response.

Asked if a hidden tape recorder would be considered an

electronic listening device, a department spokesman said, "I assume so."

Representative Dowdy was indicted March 30 by a Federal grand jury in Baltimore. He is accused of accepting a briefcase containing \$25,000 in bills in return for seeking to block a Justice Department prosecution of home remodelers in the Washington area. The indictment also accuses Mr. Dowdy of committing perjury five times in an appearance before the grand jury on March 4.

Mr. Dowdy has denied the charges and in turn has alleged that "powerful and influential enemies" are seeking to end his effectiveness "in ferreting out nonfeasance, malfeasance and misfeasance of government" in the District of Columbia.

Mr. Dowdy is a member of the House Committee on the District of Columbia.

2 Guilty of Fraud

The Representative made it clear in March that he thought the grand jury had been lied to by the two men he is accused of conspiring with. The two, Myrvin C. Clark and Nathan H. Cohen, were the sales manager and president, respectively, of the Monarch Construction Corporation of Silver Spring, Md.

Clark was also indicted by the grand jury for conspiracy and bribery. Cohen was named a coconspirator but not a defendant in another case. Both men pleaded guilty in Federal District Court here to defrauding customers of Monarch.

It was Cohen who reportedly served as the government informer. After volunteering to help Mr. Sachs build the case against Representative Dowdy, Cohen was fitted with a small tape recorder by F.B.I. agents and was sent to capitol hill, the sources said. The recorded conversations, of which Mr. Dowdy was unaware, were turned over to the bureau, they said.

Ruling by High Court

In addition, the sources said, Cohen allowed the bureau to monitor his telephone, and presumably make tape recordings, on several occasions when he made telephone calls to Representative Dowdy.

All the monitoring and what-

ever mechanical work was necessary was done at Cohen's end of the line, in his office or home, the sources said, so that no physical attachment or induction device was ever put on Mr. Dowdy's telephone. Hence, the Representative's phone was not "tapped," they said.

The Supreme Court ruled last week that the police and Federal agents do not need a warrant when they wire an informer for sound so that he records conversations with suspects. In the Dowdy case, Mr. Sachs sought and obtained a court order from Judge Thomsen authorizing the eavesdropping, presumably to make sure of his legal ground.

One source here said that the eavesdropping had been necessary and justified. "If the Justice Department had not done that," he argued, "it would have been guilty of observing a double standard—moving in one way against ordinary criminal suspects and moving in another, less effective way against suspected Congressmen."

Representative Dowdy was originally scheduled to go on trial last Sept. 14, but his various illnesses have caused a series of postponements. He is now scheduled to be tried in Baltimore on May 3.

* See story by Fred P. Graham, NYTimes 6 Apr 71, filed Legislation

U.S. Court Opens Rep. Dowdy Trial, this file 9 Nov 71