

Whitten arrest FBI pretext for investigating this column

WASHINGTON — The false arrest of my associate Les Whitten, we have now learned, was used as a pretext for launching a massive FBI investigation into our operations.

Some excuse was needed to get a court order to pry into our telephone calls around the world. This was provided by Whitten's arrest on January 31 while he was reporting on the return of stolen Indian documents to

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the government. A grand jury agreed this was no crime and refused to indict him.

But meanwhile, the FBI, pretending to investigate Whitten's "crime," secured a court order and served it on American Telephone and Telegraph. FBI agents immediately began checking into our phone calls, digging into our news sources and using all the powers of government to find out how we get information that the government doesn't want published.

Court order granted

The court order was granted on February 2, two days after Whitten's arrest. Its stipulated purpose was to investigate the theft of the Indian documents. Yet the FBI subpoenaed our telephone records back to July, four months before the documents were stolen.

When I appeared before the grand jury, the prosecutor emphasized that I was not under investigation. He declared in front of the grand jury that I was not in any way involved in the alleged "crime." Yet the FBI also subpoenaed the telephone records of my home as well as the office.

Once the FBI got its hands on our telephone records, the agents seemed less interested in our Indian sources than in our sources inside the government. They tried to find out which B-52 crewmen, for example, had talked to us by overseas phone about the failure to change flight patterns during the first three days of the Hanoi bombing last December. This failure, the pilots alleged, cost lives.

The G-men traced phone calls in an ef-

fort to locate the sources of our information about the Watergate scandal, secret drug-smuggling reports and other stories. Most of all, the agents seemed eager to find out who has been slipping us confidential excerpts from the FBI's own files.

All of this has nothing to do, of course, with the Indian documents, which the FBI used as the excuse for getting our telephone records. This was a flagrant violation of our rights under the First Amendment. Obviously, freedom of the press is a mockery if the FBI can block our access to the news by investigating and harassing our news sources.

This is just another example of how the FBI, under Patrick Gray, has been used as a political police force.

Footnote: We invited the FBI to comment, but a spokesman had no response.

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