

Shhh! Big Brother

By Harry Kelly

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WASHINGTON — Two blocks from the home of Congress is a three-story, concrete building with locked, steal-sheathed doors. Unlike the liquor store on one side and the woman's shop on the other it carries no signs or advertising. It wears an air of mystery and intrigue.

Pedestrians walking on the other side of Pennsylvania Avenue, past the big annex of the Library of Congress, can see men moving behind the blinds on the second and third floors. The ground floor is almost faceless except for the closed garage doors.

"I think that building with the garage doors is the center of FBI wiretapping on Capitol Hill," says a 35-year-old Senator's assistant with passionate conviction. "I can't prove a damn thing, but I know it."

Up another block, beyond the street - corner vendor selling cut flowers, is a small shop with a giant poster in the window bearing the warning "Shhh, someone is listening."

More Bugging

Along with the warning is a bigger-than-life-size picture of FBI Director J. Edgar Hoover with enormously magnified ears.

Is this what President Nixon calls "hysteria" and Attorney General John Mitchell describes as "paranoia"?

The building which the Senate aide denounces as a covert FBI wiretap center for eavesdropping on members of Congress is an FBI installation all right.

It is the crypto - analysis section of the FBI crime laboratory where everything from horse race bookies mysterious jottings to the code of the master Soviet spy Rudolph Ivanovich Abel have been broken.

Has an unreasonable fear of federal electronic surveillance activities developed — fueled in part by Mitchell's own tough talk, disclosures of surveillance, and Democratic Leader Hale Boggs' charge that his telephone has been tapped by the FBI?

The evidence indicates that federal agencies do more wiretapping and bugging than they officially admit — in a trend that has increased significantly — but still do not do as much as many critics fear.

How extensive is wiretapping by federal agencies? Is it a necessary evil or has it become a threat to American society? To find out, Washington Correspondent Kelly spent weeks interviewing officials, FBI agents and former agents and poring over court records.

"Lord, there couldn't possibly be as much electronic interception as people seem to think there is," says a former official. "There isn't that many agents to do it or money around to monitor the damn taps or tapes."

The average cost of a federal electronic "interception" last year was put at \$12,106.

Other Agencies

Although the FBI gets practically all the wiretap publicity, other federal agencies are involved to a lesser degree in the electronic interception of conversations, including the Secret Service, the Bureau of Narcotics and Dangerous Drugs, the Customs Bureau and the Internal Revenue Service.

The Central Intelligence Agency is forbidden by law to carry on domestic intelligence gathering operations, so it turns most of these missions over to the FBI.

Although Attorney General Mitchell has ridiculed the far-out view of some in Washington who feel every room is bugged and that every phone is tapped and that the FBI is tapping the CIA, and the CIA is tapping the FBI, there is testimony that the FBI did tap an official CIA telephone.

In Washington, the center of FBI wiretapping is reliably reported to be the FBI's Washington field office, one block from the Justice Department and only three blocks from the Chesapeake and Potomac Telephone Company.

"In the old days," recalls a former agent, "if you wanted to tap someone's telephone, you'd climb the pole outside his house, hook up the tap and then run it to a car or truck at the foot of the pole. Now there are a hell of a lot more wires and cables, and

Wiretap Debate

May Be Listening to

gadgets. It's a lot more complicated."

The FBI is understood to lease 450 telephone lines that run from the telephone company to the Washington field office and can be used for tapping and bugging.

Some of these lines, according to former attorney general Ramsey Clark, are used to tap telephones and teletypes of foreign missions and foreign nations working for other countries.

A telephone company spokesman said he "couldn't talk about that" — the leased lines — and then added quickly, "I'm not aware of it. If there is such a thing you'll have to direct that query to the FBI or the Justice Department . . . we can't talk any more about government's telephone service than we can about yours."

He acknowledged that when the FBI presents a court order for a wiretap under the Organized Crime Act or in a national security case approved by the Attorney General, the telephone company personnel will identify the line for the FBI but does not make the attachment.

The FBI, and other federal

agencies, have authority to tap and bug under the 1968 Omnibus Crime Bill and presidential orders in organized crime cases with a court's approval and in national security cases.

Most of the current controversy has developed over Mitchell's claim of the right to use wiretaps in the surveillance of domestic groups, such as the Black Panthers, the Weathermen and others deemed to be radicals or dangerous.

The Justice Department is now appealing court decisions denying the government has such a wiretap right without court order.

The Justice Department and the FBI have acknowledged in court or in other statements the wire tapping, bugging or "overhearing" of the late Rev. Martin Luther King, boxer Muhammad Ali, black militant H. Rap Brown, five of the defendants in the Chicago Seven trial, Black Panther leader David Hilliard and Sister Elizabeth McAlister in the alleged plot to kidnap presidential adviser Henry Kissinger.

Clark, a critic of wiretapping who said he rejected all FBI requests to use taps in

domestic security cases, said he knew of no case where Hoover tried to go around his back to use a tap or bug without his approval.

The city's folklore is full of stories adding to the shadows around the practice of wiretapping.

Robert Amory, Jr., said high officials of the White House showed him evidence that the FBI was tapping his official telephones when he was Deputy Director of Intelligence for the CIA from 1952 through 1962.

Now a Washington lawyer, Amory said he believes the phones were tapped because he favored Red China's admission into the United Nations in the 1950s.

He suggested that the tapping was part of the tugging and hauling between the CIA and FBI at that time.

At the start of the bitter foreign policy debate in the Johnson administration, a go-between tried to smooth relations with a high administration official. Their meeting splintered on disagreement over a point with the high official reportedly contending, "We know this is true. In this city of ugly devices we know many things."

The wiretap debate, with its constitutional and political overtones, has also developed the brassy ring of Washington's favorite bureaucratic sport — the numbers game.

Is there more or less wiretapping than there used to be? Should Americans be worried?

For years surveillance of foreign agents and missions was carried out to protect national security. The 1968 Organized Crime bill gave

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federal agencies and local police legal backing for wiretapping with a court order in organized crime cases. Then Attorney General Mitchell added to these categories by claiming the inherent constitutional authority to eavesdrop on "dangerous" domestic groups without court authority.

When critics, including Democrats, charged that this was a "police state" tactic, President Nixon countered. It was bum rap, he said.