

FBI Was 'Just Following Orders'



Jack Anderson

ACTING FBI CHIEF Pat Gray is now using his agents, apparently, to help Senator Paul Fannin (Rep-Ariz.) find out who told us about a drunk-driving episode. FBI men have been going over our long-distance calls to Phoenix in search of our sources.

We reported that Fannin, a stern law-and-order Senator, had shown contempt for the law after he was arrested for drunk driving in Phoenix. We quoted from suppressed official records, which charged he was "stuporous," "profane" and "insulting."

A confidential memo smuggled to us out of the City Prosecutor's office charged that "Senator Fannin's file was taken out of the normal place" and that "the next thing anyone knew . . ., the driving while intoxicated charge had been dismissed." The police reports and other evidence against Fannin were never introduced in court.

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OUR STORY caused more than 50 Phoenix lawyers, led by Jack Levine, to protest to the City Council that the Fannin case had "severely shaken" their confidence "in what previously has been an uncorrupted police department, an uncorrupted City Prosecutor's office and an honest, although overworked, city court."

The showdown at City Hall occurred on February 13. Levine told us that two well-mannered, clean-cut young men kept a sharp eye on the proceedings and approached him afterward for a copy of his statement. A former FBI man himself, he took them to be FBI agents but couldn't positively identify them.

Later the same day, FBI agent John Hunt contacted Robert Updike, the Assistant City Prosecutor who wrote the confidential memo on the Fannin case. The first call was made to his home and was taken by his wife. Since the telephone number is unlisted, she demanded to know how the FBI got it.

We have established that the number appeared on our long-distance toll sheets, which were subpoenaed from the telephone company.

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SUBSEQUENTLY, the FBI man reached Updike, who also was upset over the FBI's access to his unlisted number. He marched down to the FBI's Phoenix office, confronted the agent-in-charge and was told, "We were just following orders."

Still boiling, Mrs. Updike wrote the next day to Attorney General Richard Kleindienst. "Mr. Kleindienst," she wrote, "could you please explain to me why my husband is being investigated by the FBI at this particular time? Is it because Jack Anderson mentioned my husband's name in his column about Senator Fannin? Is it now the FBI's responsibility to investigate anyone mentioned by name in Mr. Anderson's column, especially when the column has to do with a United States Senator? Doesn't the FBI have more urgent matters to attend to?"

Footnote: An FBI spokesman denied that the calls to Updike had anything to do with Senator Fannin. The spokesman also said no FBI agents had attended the protest proceedings before the Phoenix City Council.