

# Anti-Hartke Bugging, Break-In in '70 Bared

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Documents and summaries of illegally bugged conversations obtained during a 1970 break-in directed against a political associate of Sen. Vance Hartke (D-Ind.) were given that year to a Justice Department aide, who kept the material in his basement until last week, according to two law enforcement sources.

The aide, Gary H. Baise, then special assistant to then Assistant Attorney General William D. Ruckelshaus, acknowledged last week that he had been given material on Hartke and that he turned it over to the FBI last week, but he said he was not aware that it had been obtained illegally.

The material was given to Baise in his Justice Department office by one of the burglars who apparently hoped it would lead to prosecution of Hartke, the sources said.

The material, which some considered politically damaging to Hartke, included a tape recording and summaries of bugged conversations, stolen documents and canceled checks, the sources said.

The sources said Baise, now a partner in Ruckelshaus, Washington law firm, turned the material over to the FBI after the bureau learned of its existence from other persons.

The material was obtained during one in a series of break-ins and buggings aimed at Hartke and other Indiana Democratic political figures during Hartke's bitterly contested 1970 re-election campaign.

A special grand jury in Indianapolis has been probing the break-ins for more than a week.

Among other things, the grand jury is attempting to determine if there was a cover-up of the break-ins and what knowledge, if any, Ruckelshaus had of the material given to his aide, one source said.

Ruckelshaus said last week that he could not recall

whether Baise told him about the material in 1970 but added that in a recent conversation Baise "remembered talking to me about it."

Ruckelshaus said last week he could not recall if Baise told him about the material in 1970. However, he added, "He (Baise) remembered talking to me about it."

"I don't remember talking to him. He may well have talked to me about it," said Ruckelshaus, who resigned from the Justice Department in 1973 after refusing a White House order to fire Watergate Special Prosecutor Archibald Cox.

If Baise had told him about it, Ruckelshaus added, "I'm sure that I would have told him it was politically motivated (and should not be used)."

In response to a question, Ruckelshaus acknowledged that prosecutions sometimes begin with a politically-inspired tip.

Ruckelshaus, a native of Indianapolis, said he had given "some thought" to running against Hartke as the Republican candidate in the 1970 race.

Ruckelshaus said he decided against running before Baise received the material in September, 1970.

Baise said he did not initiate an investigation of the persons who gave him the material because he had no idea it was stolen or based on illegal bugging.

"They obviously did not tell me how they were obtained," he said. "If I thought I had stolen documents, I would have marched them down to Petersen (Henry E. Petersen, then chief of the Criminal Division)."

He said he did not launch an investigation of Hartke because "it was my impression that people were trying to get me and Ruckelshaus to get people, to use it in a political vendetta."

"I assume I did not listen to the tape," Baise said. "I assume I must have told

Ruckelshaus (about the material) . . . The important thing is we didn't use our position for any gain."

After being called by prosecutors, Baise said, he listened to the tape and found it "incredible."

He would not elaborate or say whether it pointed to any possible illegal activity.

Although he declined to go into detail about the case, James F. Kelley, prosecuting attorney of Indianapolis' Marion County, said his office has "uncovered evidence—including testimony of some of those involved—of a break-in at Hartke's Indianapolis congressional office, at the Indianapolis law office of his political associate, Edward D. Lewis, and at other Democratic meeting places.

Papers and documents were removed from both Hartke's and Lewis's offices, Kelley said.

In addition, Lewis said last week, a bug was found last February under an armchair in his office. He said he noticed in September, 1970, that canceled checks were missing from his office, but did not report it to the police.