

Officials Say F.B.I. Has Bugged Dominican Embassy Since 50's

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WASHINGTON, Dec. 2 —

The Federal Bureau of Investigation has been eavesdropping on the Dominican Republic's embassy here with electronic devices since the nineteen-fifties, official sources said today.

The eavesdropping has been an "off-and-on affair" and was always undertaken in connection with a specific event that was deemed to involve national security, these sources said.

This information confirmed what was independently learned as a result of the six days of pretrial hearings last month in the case of Robert G. Baker, former secretary to the Senate Democratic majority.

Mr. Baker has been charged in a nine-count Federal indictment with tax evasion, theft and conspiracy to defraud the Government by concealing sources of income.

Mr. Baker's attorney, Edward Bennett Williams, has asked Federal District Judge Oliver Gasch to dismiss the indictment on the ground that evidence submitted to the grand jury was illegally obtained by electronic eavesdropping.

To counteract that argument, the Justice Department made available to the court and the defense 22 recorded conversations in which Mr. Baker took part.

These conversations were obtained, in an investigation of organized crime, as a result of bugging the offices of Edward Levinson, Las Vegas hotel and gambling entrepreneur, and Benjamin B. Sigelbaum of Mi-

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ami, as well as the Sheraton-Carlton Hotel suite of Fred B. Black Jr., a lobbyist here. Mr. Baker was a business associate of all three men.

William O. Bittman, Justice Department attorney, said in resisting the defense motion that the evidence on which the indictment was obtained had not come from the eavesdropping.

In argument by counsel, veiled allusion was made to certain conversations that had been impounded by the judge and not made public. It was later learned that defense counsel and the prosecution had agreed to this impounding, presumably as a result of an appeal based on national security interests.

Baker Talked with Embassy

Independent investigation disclosed that the impounded conversations of Mr. Baker had been with officials of the Dominican embassy, and that they had been obtained through a bug on the embassy by the Federal Bureau of Investigation. This information was confirmed today.

Informed sources said it was "relatively rare" that the F.B.I. would eavesdrop on an embassy here.

Nevertheless, other informants also made plain that eavesdropping in Washington for national security purposes was resorted to much oftener than had been supposed by many here who were familiar with the practice.

Thus, one official estimated that such national security taps ran from 40 to 80 a year.

These taps, he emphasized, were placed under authority of an Executive order of 1940 permitting them in cases involving national security. The Executive order was issued because Congress had not acted on a bill to allow wire-tapping by the F.B.I. to gather evidence on certain types of crime.

Practice Is Defended

In defense of the practice, one official said that the Government would be remiss, and lay the country open to grave danger, if it did not obtain all the information it could by electronic eavesdropping at a time of crisis such as the one created by the placement of Soviet missiles in Cuba in October, 1962.

In their nationally syndicated column today, Drew Pearson and Jack Anderson stated that Secretary of State Dean Rusk "was so alarmed over the eavesdropping that he sent an anguished appeal to the courts to suppress the evidence, and directed Baker and his attorneys not to mention the embassy wiretaps."

Robert J. McCloskey, State Department press officer, was asked if he had any comment "on the Drew Pearson allegation that the F.B.I. bugged the Dominican embassy here."

Mr. McCloskey replied: "No. That is a matter for the Justice Department and I don't want to get into any discussion of substance of a case that is now before the courts. I will say that it is not true that the Secretary of anyone else in the department made an intervention in this case [to impound the conversations] as alleged in that column."

Some officials believe that

the United States Government is probably "more bugged against than bugging."

One occasion that made the headlines was the discovery of a tiny microphone in the United States embassy in Moscow in 1952. The microphone was found in a hand-carving in wood of the emblem of the American Eagle.

The emblem had been presented by a group of Russians to Ambassador Averell Harriman in 1945 and had been placed on the wall behind the Ambassador's desk. The microphone was discovered in a routine check in 1952 when George F. Kennan was Ambassador.

Bug Follows Assassination

Eight years later, Henry Cabot Lodge, chief United States representative to the United Nations, dramatically produced the microphone and emblem before the Security Council. He said that in recent years the United States had found more than 100 concealed listening devices in its embassies and residences in Soviet bloc countries, including 25 in Poland.

Mr. Lodge said he had produced the device found behind the eagle to answer the Soviet Ambassador, Andrei A. Gromyko, who had termed American accusations of Soviet spying "fanciful."

In reply to questions by The New York Times a few days ago, a former United States Ambassador to the Dominican Republic, who asked that his name be withheld, said he was not aware that the Dominican embassy here had ever been bugged.

"But," he added, "we always suspected ours was in Santo Domingo."

The conversations involving Mr. Baker took place, it was learned, soon after the assassination of the Dominican dictator, Rafael Leonidas Trujillo Molina, on May 30, 1961. Joaquin Balaguer was then Provisional President. He was elected President this year in a contest with Juan Bosch, who had defeated him in February, 1963.

Although Mr. Baker was later to become interested in a gambling concession in Santo Domingo, the tap had nothing to do with the Baker case, which did not begin until September, 1963.

It appeared that the bug had been laid to gather information on the situation after Trujillo's assassination.