

E (S40) PMS BUDGET

KENNEDY-HOOVER

BY BEM PRICE

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WASHINGTON, DEC. 13 (AP)-THE WIRETAP FLAP BETWEEN SEN. ROBERT F. KENNEDY AND FBI DIRECTOR J. EDGAR HOOVER WILL MOVE INTO THE ARENA OF A SENATE HEARING NEXT YEAR.

SEN. EDWARD V. LONG, D-MO., ANNOUNCED THE SCHEDULING LAST NIGHT.

LONG, WHO HAS BEEN INVESTIGATING INVASIONS OF PRIVACY BY WIRETAPPERS AND ELECTRONIC SNOOPERS SINCE FEBRUARY 1965, STEPPED INTO THE MIDDLE OF THE KENNEDY-HOOVER DISPUTE MINUTES AFTER HIS RETURN TO NEW YORK FROM A MONTH-LONG VISIT TO GREECE.

AT ISSUE IS WHO--HOOVER OR KENNEDY--IS TELLING THE TRUTH ABOUT WHO AUTHORIZED THE WIRETAPPING AND ELECTRONIC EAVESDROPPING WHICH HAS JEOPARDIZED A HOST OF FEDERAL PROSECUTIONS.

ONE OF THOSE CASES ON THE ENDANGERED LIST INVOLVES BOBBY BAKER, FORMER SECRETARY TO SENATE DEMOCRATS AND A FRIEND OF PRESIDENT JOHNSON.

BAKER'S CASE IS CONCERNED WITH NINE CHARGES OF INCOME TAX EVASION, LARCENY AND CONSPIRACY, AND IS NOW BEING HEARD IN FEDERAL DISTRICT COURT HERE.

AS FOR THE TWO PRINCIPALS IN THE DISPUTE, BOTH KENNEDY, A NEW YORK DEMOCRAT, AND HOOVER WERE PRACTICING THE SILENCE-IS-GOLDEN ROUTINE LAST NIGHT.

IN ENTERING THE DISPUTE LONG SAID "NOW THAT SOME OF THE PRINCIPAL PARTICIPANTS HAVE OPENED UP THESE MATTERS, WE FEEL THAT AN ON-THE-RECORD AIRING IS NECESSARY."

A14WX

LONG IS CHAIRMAN OF THE SENATE SUBCOMMITTEE ON ADMINISTRATIVE PRACTICES AND PROCEDURES. THE COMMITTEE STAFF HAS ALREADY DRAWN FIVE PROPOSED LAWS, ONE OF WHICH LONG HAS SAID HE WILL SUBMIT TO CONGRESS EARLY IN THE NEXT SESSION.

THE KENNEDY-HOOVER QUARREL OPENED LAST SATURDAY WITH THE RELEASE OF A LETTER FROM HOOVER TO REP. H. R. GROSS, R-IOWA.

AT THE WHITE HOUSE, SPOKESMAN GEORGE CHRISTIAN SAID IN RESPONSE TO INQUIRIES THAT PRESIDENT JOHNSON HAD NOT TALKED TO HOOVER ABOUT HIS STATEMENTS AND RELEASES OF DOCUMENTS IN CONNECTION WITH THE CONTROVERSY OR ABOUT THE LETTER TO GROSS.

"IN THIS LETTER," ETC., 11TH GRAF.

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IN THIS LETTER HOOVER ASSERTED KENNEDY KNEW ABOUT THE WIRETAPPING AND ELECTRONIC SURVEILLANCE ACTIVITIES OF THE FBI AND ATTACHED A MEMORANDUM SIGNED BY KENNEDY PURPORTING TO SHOW THIS.

FURTHER, HOOVER SAID THAT DURING KENNEDY'S 1961-64 TENURE AS ATTORNEY GENERAL, THESE ACTIVITIES HAD INCREASED WITH KENNEDY'S APPROVAL.

KENNEDY SAID MAYBE HE WAS SUPPOSED TO KNOW ABOUT THESE ACTIVITIES, BUT HE DIDN'T AND CERTAINLY HE HAD NEVER AUTHORIZED THEM.

ALL THIS PUT HOOVER AND KENNEDY IN THE POSITION OF QUESTIONING THE OTHER'S VERACITY.

EVEN SO, WHILE HOOVER THREW THE FIRST PUNCH, KENNEDY EMERGED AS A REAL CHALLENGER.

KENNEDY SPECIFICALLY CHALLENGED THE AGING--HE'S 71--ALL-TIME CHAMPION G-MAN TO OPEN HIS FILES OF THE SUBJECT OF WIRETAPPING AND ELECTRONIC EAVESDROPPING.

ASKED IF HOOVER INTENDED TO MEET THE CHALLENGE, AN FBI SPOKESMAN SAID "MR. HOOVER WILL HAVE NO COMMENT ON THAT SUBJECT AT THIS TIME."

THIS LEFT OPEN THE OPPORTUNITY FOR HOOVER TO SWING AGAIN AT A LATER DATE.

A15WX

MEANWHILE, HOOVER WAS ON VACATION IN MIAMI AS A STREAM OF "NO COMMENT" STATEMENTS FLOWED FROM HIS WASHINGTON HEADQUARTERS.

KENNEDY WAS IN WASHINGTON TENDING TO HIS SENATORIAL CHORES AND SAYING "I HAVE NOTHING FURTHER TO ADD." LATE IN THE AFTERNOON KENNEDY WENT TO NEW YORK CITY WHERE HE WAS REPORTED IN CONFERENCE WITH POLITICAL ADVISERS.

THE KENNEDY-HOOVER DISPUTE INVOLVES WIRETAPPING AND ELECTRONIC SURVEILLANCE PRIOR TO JUNE 30, 1965.

ON THAT DATE, JOHNSON ISSUED A GOVERNMENTWIDE ORDER PROHIBITING EITHER EXCEPT IN NATIONAL SECURITY CASES.

UNDER THE 1934 COMMUNICATIONS ACT IT IS ILLEGAL TO INTERCEPT TELEPHONE AND RADIO TRANSMISSIONS AND DIVULGE THE CONTENTS WITHOUT KNOWLEDGE OF THE PARTICIPANTS.

THE U.S. SUPREME COURT HAS HELD THAT INFORMATION OBTAINED BY LAW ENFORCEMENT OFFICERS THROUGH THE USE OF WIRETAPS IS ILLEGAL IN THAT IT VIOLATES THE PROHIBITION AGAINST DIVULGENCE.

THE WHOLE AREA OF ELECTRONIC EAVESDROPPING IS SOMEWHAT HAZY. THE HIGH COURT HAS HELD THAT EVIDENCE OBTAINED BY HIDDEN MICROPHONES, PLANTED BY MEANS OF ILLEGAL ENTRY, VIOLATES THE CONSTITUTIONAL BAN AGAINST ILLEGAL SEARCH AND SEIZURE.

EB18

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WASHINGTON--FIRST ADD KENNEDY-HOOVER (A13-15WX) X X X SEARCH AND SEIZURE.

WHAT STARTED THE KENNEDY-HOOVER QUARREL WAS THE APPEARANCE MAY 24 BEFORE THE U.S. SUPREME COURT BY SOLICITOR GENERAL THURGOOD MARSHALL.

MARSHALL REPORTED THAT THE CONVICTION OF FRED BLACK JR., A PUBLIC RELATIONS CONSULTANT, APPEARED TO HAVE BEEN BASED ON WIRETAP EVIDENCE.

BLACK WAS A BUSINESS ASSOCIATE OF BAKER AND ALSO OF A LAS VEGAS GAMBLER, EDWARD LEVINSON.

SUBSEQUENTLY, BLACK'S CONVICTION WAS NULLIFIED.

MARSHALL LATER FILED A BRIEF WITH THE COURT WHICH SAID THE FBI HAD BEEN AUTHORIZED BY HOOVER TO ENGAGE IN EAVESDROPPING UNDER WRITTEN AND ORAL ORDERS OF ATTORNEYS GENERAL DATING BACK TO 1953.

MARSHALL SAID, HOWEVER, THAT HOOVER AUTHORIZED THE PRACTICES IN CASES BEYOND NATIONAL SECURITY INVOLVING "INTERNAL SECURITY, INCLUDING ORGANIZED CRIME, KIDNAPPINGS AND MATTERS WHERE HUMAN LIFE MUST BE AT STAKE."

SHORTLY AFTER BECOMING ATTORNEY GENERAL KENNEDY ASSIGNED 60 ATTORNEYS TO A SPECIAL ORGANIZED CRIME DRIVE (OCD) IN THE JUSTICE DEPARTMENT. THOSE INVESTIGATED BY THE FBI INCLUDED LEVINSON AND ANOTHER LAS VEGAS GAMBLER, BENNY SIEGALBAUM.

LEVINSON, SIEGALBAUM, BAKER AND BLACK WERE ALL PARTNERS IN A VENDING MACHINE COMPANY.

IN THE BAKER CASE, THE GOVERNMENT HAS ADMITTED MONITORING CONVERSATIONS BETWEEN BAKER AND LEVINSON.

LEVINSON HAS FILED A \$4.5 MILLION CIVIL SUIT AGAINST FOUR FBI AGENTS FOR INVASIONS OF PRIVACY. WIRETAPPING IS ILLEGAL UNDER NEVADA LAW.

EXEXGE

EB19

BAKER'S ATTORNEY, EDWARD BENNETT WILLIAMS, CONTENTS IN HIS MOTION FOR SUPPRESSION OF EVIDENCE IN THE BAKER CASE THAT THE GOVERNMENT PICKED UP EVIDENCE AGAINST HIS CLIENT THROUGH WIRE-TAPPING. WILLIAMS WANTS THE WHOLE CASE DISMISSED.

THE GOVERNMENT'S ATTORNEY TOLD THE COURT "BAKER WAS NEVER THE SUBJECT OF ANY ELECTRONIC INVESTIGATION. HOWEVER, CERTAIN OF HIS CONVERSATIONS WERE PICKED UP COINCIDENTALLY AND TANGENTIALLY TO THESE MAJOR INVESTIGATIONS."

THE KENNEDY-INSTIGATED CRIME DRIVE HAS RAISED LEGAL AND MORAL ISSUES.

UNDER THE OCD PROGRAM THOSE SUSPECTED OF PARTICIPATION IN ORGANIZED CRIME RINGS WERE ASSIGNED A NUMBER INDICATING THEIR RANK IN THE CRIME WORLD AND ESTABLISHING A PRIORITY FOR THEIR INVESTIGATION.

THE TESTIMONY BEFORE THE LONG SUBCOMMITTEE INDICATED THERE WERE STRONG PRESSURES FROM WASHINGTON TO OBTAIN ARRESTS AND CONVICTIONS.

WHAT PERTURBS LONG, HE SAID IN AN UNPUBLISHED INTERVIEW LAST JULY, IS THAT "THE OCD PROCESS ESTABLISHES A SPECIAL CATEGORY OF CITIZEN WHO IS EARMARKED FOR ARREST AND CONVICTION."

UNTIL OCD CAME ALONG, LONG SAID, THERE HAD TO BE A REPORTABLE CRIME. UNDER OCD, HE SAID, THE IDEA IS TO FIND A CRIME THAT CAN BE PINNED ON AN INDIVIDUAL.

"IF YOU ARE ON THE OCD LIST," LONG SAID, "YOU ARE GIVEN DIFFERENT TREATMENT. IT SETS UP A POLICE STATE. THAT IS THE PHILOSOPHY OF IT. YOU ARE CONVICTED BEFORE YOU ARE TRIED."

THERE IS A DISTINCTION BETWEEN WIRETAPPING AND ELECTRONIC EAVESDROPPING.

IN WIRETAPPING THE ACTUAL TERMINAL POINTS OF A TELEPHONE LINE ARE BRIDGED TO PERMIT THIRD PERSONS TO EAVESDROP WITHOUT THE KNOWLEDGE OF THE PARTICIPANTS.

AN ELECTRONIC EAVESDROPPING DEVICE OPERATES INDEPENDENTLY OF THE TELEPHONE SYSTEM. A TINY MICROPHONE CAN BE CONNECTED DIRECTLY

TO A L

OR WIRES, OR THE MICROPHONE CAN BE HOOKED TO A BROADCAST DEVICE WITH A RANGE OF UP TO THREE MILES.

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