

AN APN EXTRA FOR AMS SUNDAY, DEC. 18

KENNEDY-HOOVER (1,100)

BY BEM PRICE

AP NEWSFEATURE WRITER

(ADVANCE). WASHINGTON, DEC. 17 (AP)-THE ~~HOOVER-KENNEDY~~ "BUGGING" FLAP DWINDLED TODAY BEFORE THE LARGER QUESTION OF WHERE LEGITIMATE INVESTIGATION ENDS AND A POLICE STATE BEGINS.

SEN. EDWARD V. ~~LONG~~, D-MO., SAID IN A TELEPHONE INTERVIEW FROM CANTON, MO., THIS WOULD BE THE CENTRAL ISSUE OF AN INVESTIGATION BY HIS COMMITTEE AT THE NEXT SESSION OF CONGRESS.

LONG IS CHAIRMAN OF THE SENATE SUBCOMMITTEE ON ADMINISTRATIVE PRACTICES AND PROCEDURES. SINCE FEBRUARY 1965 THE SUBCOMMITTEE HAS BEEN INVESTIGATING WIRETAPPING, ELECTRONIC SPYING AND OTHER INVASIONS OF PRIVACY.

THE MISSOURI SENATOR SAID THE CURRENT DISPUTE BETWEEN SEN. ROBERT F. KENNEDY, D-N.Y., AND FBI DIRECTOR J. EDGAR HOOVER OVER TRUTH -- AND WHO WAS TELLING IT -- SEEMED TO HIM ALMOST PERIPHERAL TO THE LARGER ISSUE.

KENNEDY AND HOOVER HAVE QUESTIONED EACH OTHER'S VERACITY OVER WHO AUTHORIZED THE WIRETAPPING AND ELECTRONIC SURVEILLANCE WHICH HAS JEOPARDIZED A NUMBER OF FEDERAL PROSECUTIONS.

HOOVER SAYS KENNEDY DID. KENNEDY SAYS THIS IS UNTRUE.

LONG HAS INVITED BOTH TO APPEAR BEFORE HIS SUBCOMMITTEE EARLY IN JANUARY.

"THE PURPOSE OF THE INVITATIONS," HE SAID, "IS TO GIVE MR. HOOVER AND SEN. KENNEDY AN OPPORTUNITY TO CLARIFY THEIR POSITIONS IF THEY CARE TO DO SO . . . PRIMARILY, WE ARE ATTEMPTING TO WORK OUT LEGISLATION WHICH WILL CURB OR REGULATE THESE PRACTICES."

IN JUNE 1965 PRESIDENT JOHNSON ISSUED FLAT PROHIBITIONS AGAINST BOTH WIRETAPPING AND BUGGING EXCEPT IN NATIONAL SECURITY CASES AND THEN ONLY WITH THE SPECIFIC, WRITTEN PERMISSION OF THE ATTORNEY GENERAL, BUT BY THAT TIME A NUMBER OF FEDERAL PROSECUTIONS HAD BEEN ENDANGERED.

A125WX

UNDER THE 1934 COMMUNICATIONS ACT, THE DIVULGENCE OF INFORMATION ACQUIRED BY INTERCEPTING TELEPHONE, TELEGRAPH OR RADIO MESSAGES WITHOUT THE KNOWLEDGE OF THE PARTIES INVOLVED IS ILLEGAL.

EVER SINCE 1937 THE SUPREME COURT HAS HELD THAT EVIDENCE GAINED THROUGH SUCH INTERCEPTIONS IS INADMISSIBLE AS EVIDENCE IN COURT. FURTHER, THE HIGH COURT HAS HELD THAT EVIDENCE COLLECTED ILLEGALLY THROUGH THE USE OF ELECTRONIC EAVESDROPPING EQUIPMENT IS EQUALLY INADMISSIBLE.

THERE IS A FINE DISTINCTION BETWEEN WIRETAPPING AND ELECTRONIC EAVESDROPPING, OR "BUGGING."

IN WIRETAPPING THE ACTUAL TERMINAL POINTS OF A TELEPHONE LINE ARE BRIDGED TO PERMIT A THIRD PERSON TO EAVESDROP.

A "BUG" OPERATES INDEPENDENTLY OF THE TELEPHONE SYSTEM. IT IS A TINY MICROPHONE, WHICH CAN BE CONNECTED DIRECTLY TO A LISTENING POST BY WIRE OR AN INVISIBLE, CONDUCTIVE PAINT. IT CAN ALSO BE A TINY, BATTERY-POWERED BROADCAST STATION.

WHOEVER PLANTS A "BUG" HAS TO ENTER PREMISES WITHOUT THE KNOWLEDGE OF THE OCCUPANT. THE HIGH COURT HAS HELD THAT THIS VIOLATES THE CONSTITUTIONAL PROHIBITION AGAINST ILLEGAL SEARCH AND SEIZURE.

THE POLICE STATE QUESTION WAS INITIALLY RAISED BY LONG IN AN INTERVIEW LAST JUNE.

LONG SAID HE WONDERED IF THE JUSTICE DEPARTMENT'S ATTEMPT TO PIN CRIMES ON PERSONS SUSPECTED OF BEING MEMBERS OF AN ORGANIZED CRIMINAL RING WASN'T CHANGING THE GROUND RULES FROM PROSECUTION TO PERSECUTION.

LONG'S INVESTIGATORS, MEANWHILE, TURNED UP SOME ODD BITS OF INFORMATION.

THEY SAY THAT THE FBI IN INTERNAL COMMUNICATIONS USED THE EUPHEMISM "THE INFORMANT" TO MEAN A HIDDEN MICROPHONE.

ANOTHER ODDITY: THEY SAY THE FEDERAL COMMUNICATION COMMISSION REQUIRED BROADCAST "BUGS" TO BE LICENSED, BUT THAT THIS DID NOT APPLY TO FEDERAL AGENTS.

A126WX

THE "LICENSING" OF LOW POWERED BROADCAST DEVICES USED BY FEDERAL AGENTS WAS THE PROVINCE OF AN OBSCURE GROUP KNOWN AS THE INTERAGENCY RADIO ADVISORY COMMITTEE.

A SPOKESMAN FOR THE COMMITTEE SAID IT SIMPLY ASSIGNED FREQUENCIES WITHOUT INQUIRING INTO THE PURPOSE OF THE DEVICES.

THE LONG COMMITTEE STAFF CONCLUDED THAT THAT PERHAPS FEDERAL "BUGGING" WAS EVEN MORE WIDESPREAD THAN HITHERTO SUSPECTED.

IF NOTHING ELSE, THE HOOVER-KENNEDY QUARREL HAS FOCUSED ATTENTION ON THE INVASION OF PRIVACY ISSUE.

QUITE POSSIBLY, THE DISPUTE WOULD NEVER HAVE BECOME PUBLIC HAD IT NOT BEEN FOR THE CASES OF FRED BLACK JR., BOBBY BAKER AND EDWARD LEVINSON. ALL THREE ARE INEXTRICABLY ENTWINED.

~~BLACK~~ WAS A WASHINGTON PUBLIC RELATIONS CONSULTANT. ~~BAKER~~ WAS SENATE DEMOCRATIC MAJORITY SECRETARY WHEN JOHNSON WAS THE SENATE LEADER. ~~LEVINSON~~ WAS, AND IS, A LAS VEGAS, NEV. GAMBLER.

AS ATTORNEY GENERAL IN 1961-64, KENNEDY BEGAN A DRIVE ON ORGANIZED CRIME, ASSIGNING 60 ASSISTANT ATTORNEYS GENERAL TO THE TASK.

THERE IS EVIDENCE THAT LEVINSON WAS HIGH ON THE LIST OF THOSE TO BE INVESTIGATED. BLACK AND BAKER WERE HIS BUSINESS PARTNERS IN A VENDING MACHINE COMPANY.

IN RELATIVELY SHORT ORDER BLACK WAS ARRESTED AND INDICTED ON INCOME TAX EVASION CHARGES. THEN CAME BAKER. LEVINSON HAS ESCAPED FEDERAL PROSECUTION SO FAR.

BLACK WAS CONVICTED AND ON MAY 4 THE U. S. SUPREME COURT UPHELD HIS SENTENCE OF 15 MONTHS TO FOUR YEARS IMPRISONMENT.

ON MAY 24, IN AN UNPRECEDENTED APPEARANCE, SOLICITOR GENERAL THURGOOD MARSHALL TOLD THE COURT THE EVIDENCE IN THE BLACK CASE HAD BEEN "TAINTED" BY EAVESDROPPING.

A127WX

THE COURT NULLIFIED BLACK'S CONVICTION AND DEMANDED AN EXPLANATION.

MARSHALL TOLD THE COURT JULY 13 THE FBI HAD BEEN AUTHORIZED BY HOOVER TO WIRETAP AND CARRY OUT ELECTRONIC SURVEILLANCE IN CASES OTHER THAN NATIONAL SECURITY UNDER VAGUE ORDERS DATING BACK THROUGH THE ADMINISTRATION OF PRESIDENT DWIGHT D. EISENHOWER.

MARSHALL ALSO IMPLIED IN CONNECTION WITH THE BLACK CASE THAT THE FBI HAD NOT TOLD THE JUSTICE DEPARTMENT ABOUT THE ELECTRONIC SURVEILLANCE.

THE BAKER CASE CAME BEFORE THE FEDERAL DISTRICT COURT HERE IN NOVEMBER. THERE WERE FURTHER REVELATIONS.

FBI AGENT EDWARD W. PENNYPACKER OF VIENNA, VA., TESTIFIED HE ORDERED THE EAVESDROPPING ON BLACK'S HOTEL SUITE AND THAT IT COVERED 77 DAYS IN 1963.

BAKER TESTIFIED HE HAD BEEN PRESENT IN BLACK'S SUITE ON EVERY ONE OF THOSE DAYS. THE FBI, HOWEVER, PRODUCED EAVESDROPPING RECORDS ON BAKER FOR ONLY 10 OF THOSE DAYS.

THE GOVERNMENT CONTENDED THE EAVESDROPPING AGAINST BAKER WAS INCIDENTAL, THAT THE CASE HAD BEEN DEVELOPED INDEPENDENTLY.

IN THE COURSE OF THE TESTIMONY, DEFENSE ATTORNEY EDWARD BENNETT WILLIAMS AND HIS ASSISTANT, JOHN P. TAPP, INTRODUCED AN FBI LOG DATED DEC. 31, 1962. IT READ: "THE INFORMANT ADVISED THAT EDWARD LEVINSON RECEIVED AN INCOMING CALL FROM ROBERT BAKER, WASHINGTON, D. C."

UNDER CROSS EXAMINATION FBI AGENT JOHN W. CHEDD, NOW OF WEST SEATTLE, WASH., TESTIFIED THE "INFORMANT" WAS, IN REALITY, A MICROPHONE HIDDEN IN LEVINSON'S OFFICE.

A146 (CORRECT)

WILLIAMS HAS ASKED FOR DISMISSAL OF THE ACTION AGAINST BAKER ON THE GROUNDS THE EVIDENCE WAS GATHERED ILLEGALLY AND IS INADMISSIBLE.

LONG'S INVESTIGATORS SAY THEY ARE INTERESTED IN WHETHER THE FBI USE OF THE EUPHEMISM "THE INFORMANT" IS AN ATTEMPT TO DECEIVE JUSTICE DEPARTMENT ATTORNEYS AS TO THE SOURCE OF EVIDENCE. AND LONG TOLD A REPORTER HE WONDERS WHY THE FBI ENDANGERED PROSECUTIONS IN VIEW OF THE LAW AND COURT DECISIONS ON WIRETAPPING AND SURVEILLANCE ACTIVITIES.

HOOVER HAS SAID ALL ALONG THE JUSTICE DEPARTMENT WAS AWARE OF THE FBI PRACTICES.

MEANWHILE, LEVINSON HAS FILED A \$4.5 MILLION SUIT AGAINST FOUR FBI AGENTS CHARGING INVASION OF PRIVACY.

(END APN EXTRA FOR AMS SUNDAY, DEC. 18)

JA-GG&SR1021PES