

## FOURTEEN

### *The Seventeen Wiretaps*

ALTHOUGH THE SUBJECT of electronic surveillance never came up in FBI training courses, two months after I became a special agent, I found myself listening in on a Communist cell meeting as the first announcement of the Japanese attack on Pearl Harbor came over the radio. Our technology was laughably old-fashioned in those days; agents wearing earphones took down the information they overheard by hand on long yellow pads. During the war, very few FBI agents stopped to ask for official authorization before tapping the telephone of a possible Nazi spy. With the country's future at stake, getting approval from Washington seemed like an unnecessary legal technicality. Years later, the FBI was still listening in on other people's conversations without the authorization of the attorney general, but now it was because we were afraid that his knowledge of some of our programs could prove publicly embarrassing.

Public opinion was on the side of the FBI in the 1940s, however, when our agents were discovered in the act with their earphones and yellow pads eavesdropping on Harry Bridges, the Head of the longshoreman's union on the West Coast. Bridges's men began pushing the agents around and they actually had to fight their way out of the room. The story got some play in the newspapers and then died a natural death. Today, agents caught in a similar situation would be hung sky high.

Hoover was a strong advocate of electronic surveillance until the late 1960s when the FBI's crime-fighting image was at an all-time low. Concerned about his own image, Hoover didn't want to be forced to publicly defend the FBI against charges of violating the constitutional rights of United States citizens, and he called a halt to

illegal wiretaps. But when President Nixon and his security advisor Henry Kissinger asked Hoover to tap the phones of a number of government employees who were suspected of leaking highly classified information to the press, the director quickly agreed.

I knew nothing of Hoover's meetings with Nixon and Kissinger until Alexander Haig, then a colonel working on Kissinger's staff, came to my office on 10 May 1969. I had never met Haig. Without mentioning any names, and making sure that I understood that he was merely acting as a messenger in this affair, Colonel Haig told me that he had been instructed to convey a "White House request" or "the highest authority." Security leaks, Haig explained, with honest concern in his voice, had been plaguing the Nixon administration for some time. Members of the National Security Council could react about their secret meetings in the *New York Times* forty-eight hours after the meetings took place. Newspaper stories on the most sensitive aspects of our foreign policy were almost commonplace. These leaks, Haig told me, were incredibly damaging to our bargaining position at the Paris peace talks. Indeed, they were damaging to our foreign policy as a whole, and they had to be stopped. How? By tapping the telephones of the men the White House suspected of leaking the information to the press. Haig explained that the wiretap program would be short lived—I remember him saying that the whole thing would take "a few days"—and he requested that because of the sensitivity of the operation, no written record of the program ever be made.

Haig obviously knew nothing about how taps were handled, so I told him that it would be impossible for the FBI to implement a totally secret wiretap operation with no written records. A single tap, I told Haig, would involve a minimum of two men for installer alone. The head of the office involved would know about the "secret tap," as would the people needed to monitor the information coming in. If twenty-four-hour monitoring was required, at least four people would be involved at that end. At least one typist would have to prepare the transcripts. That added up to a *minimum* of eight people who would know about the simplest single tap. No tap could be kept completely secret within the bureau, but I did tell Haig that I would

try to keep the paperwork involved to a minimum by meeting with him personally whenever there was anything to report instead of writing memos back and forth. Haig was a career army man, as familiar as I was with bureaucracy and red tape, and he accepted what I said without argument. Before he left, Haig gave me the names of four men. One of them was that of Morton Halperin, a member of the National Security Council.

As soon as Haig walked out of my office, I was on the phone to Hoover. He wasn't in the office (it was a Saturday), but Helen Gandy, his secretary, made a record of my call and of the fact that I wouldn't move on Haig's request until I'd gotten the director's approval. The next day I finally got through to Hoover and told him about Haig's request, which he approved. His justification, he told me, was national security. He also told me that Attorney General John Mitchell had already approved the taps. Later that day, I wrote a memo to the director advising that he handle the taps with extreme caution. I'd had a funny feeling about the wiretaps from the first. I sensed that this program could be dangerous and I wanted to alert Hoover to any possible danger.

Although Haig sincerely believed that the wiretap program would be short lived, it lasted for almost two years. During that time we tapped the telephones of four journalists, including Hedrick Smith and Tad Szulc of the *New York Times*, and of thirteen government employees, although not all seventeen wiretaps were operational at the same time.

Despite Haig's initial request for no paperwork, with so many taps in effect for so long, the logs (the tape transcripts), correspondence, and memos began to pile up. Hoover instructed me to keep this material out of the FBI files. This was not unusual; to my knowledge, particularly sensitive material had been kept out of the files since the 1940s. In this case, at least at first, the material was kept in Hoover's own office.

The paperwork started as soon as Hoover approved the White House request. I told the director that it was my judgment that these taps should be handled in the same manner as other wiretaps, that an individual letter should be prepared on each tap for his approval and for the approval of the attorney general. Hoover agreed, but he

warned me that when I directed agents from the Washington office to implement the taps, they make no copies of the transcripts and send the original logs to bureau headquarters himself contributed to the growing mountain of paperwork insisted that a letter go out over his signature to Dr. Kissinger. Haig's plea for secrecy meant little to Hoover about to give any information to the president without credit. As the material came in, the relevant data was summarized and sent over to the White House by special courier.

I delegated the day-to-day paperwork on the taps to men, for I could not and never did handle such work in As I was responsible for eighty to ninety thousand criminal cases at the time, it would have been a physical impossibility for me to get out of it (though I tried) when Hoover asked me to handle the taps. I arranged for Joseph Kraft to handle the taps personally and discreetly arrange electronic surveillance while the columnist was in Paris covering the talks. Although he never told me why I was chosen for the job, I have been because I had a good personal relationship with security people. They certainly didn't want to tap the phones of important visiting American, but they wouldn't say no to a me and they went along with it.

I had my own objections to the assignment. Kraft's column—I read it myself—and I had never heard anything that made me suspicious of the man. "Mr. Hoover," director when he told me about my proposed trip to Paris, "my knowledge, we've never heard any detrimental about Mr. Kraft."

"We've got to do it," Hoover explained, "because Kissinger is talking to the Viet Cong, and then he plans to go to Paris. All the journalists talk to the Viet Cong." I pointed out that a lot of them go to Russia. If we use Kraft's contacts and the yardstick, we'll be putting surveillances on all the reporters in Paris, and I went over to Paris, and told our man in Paris to send the tapes to me in Paris for transcription and translation.

In July 1969, I sent a top-secret memo to Hoover re