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FBI Chief Links Bob Kennedy to Eavesdropping

Hoover 'Misinformed,' Senator Comments as Quarrel Becomes Public

BY DAVID KRASLOW
Times Staff Writer

WASHINGTON — A bitter behind-the-scenes argument between FBI Director J. Edgar Hoover and Sen. Robert F. Kennedy (D-N.Y.) over who authorized electronic eavesdropping by the FBI became a public quarrel Saturday.

Hoover said that Kennedy, when he was attorney general, not only knew about FBI bugging in criminal investigations, but insisted on more of it.

Kennedy replied that "apparently Mr. Hoover has been misinformed," and released a letter from Courtney A. Evans, former FBI assistant director, who was in charge of the Bureau's organized crime drive, that seemed to contradict Hoover's statement.

No Direct Response

But Kennedy, in his prepared statement, did not respond directly to FBI documents which Hoover sent to Rep. H. R. Gross (R-Iowa), which purported to show that both Kennedy and Herbert J. Miller, assistant attorney general in charge of the criminal division under Kennedy, knew the FBI was bugging in criminal cases.

Illegal FBI bugging has become a critical issue in the fraud, conspiracy and income tax evasion case against Bobby Baker, former secretary to Senate Democrats, and in the tax case against Fred B. Black Jr., a Baker associate.

The Supreme Court reversed the conviction of Black and ordered a new trial after the Justice Department admitted the bugging. Baker's lawyers are seeking to have the charges against Baker dismissed on the grounds that the government's evidence was contaminated by bug-

ging.

The feud over the FBI eavesdropping is but another manifestation of the intense personal dislike that is known in Washington to have developed between Hoover and Kennedy after the assassination of President John F. Kennedy.

Argument Has Continued

Both men and their associates have been arguing their conflicting points of view for months in private discussions with reporters and others. Now, suddenly, it is out in the open, with Kennedy and Hoover referring to each other by name.

Further echoes of this intense disagreement could well be heard in the courts and Congress, and there may be political repercussions as well.

It was understood that the question of whether Kennedy approved the bugging of Baker, Black and others came up in a meeting President Johnson had at the White House last year with Hoover and the then attorney general, Nicholas Katzenbach.

According to one report from a source who asked not to be identi-

fied, Hoover told the President that Kennedy did not approve the eavesdropping.

Katzenbach, now undersecretary of state, said through a spokesman Saturday that it is his policy never to discuss conversations with the President.

There was no confirmation of the meeting from the spokesman.

Asked whether Hoover had made such a statement to the President, an FBI spokesman said he would check but doubted that the FBI would have any comment.

It was evident from Evans' letter that Kennedy had been anticipating a broadside from Hoover for a long time. The letter was dated last Feb. 17 and was written to Kennedy at the senator's request.

Only two months earlier, the Los Angeles Times disclosed that the FBI had eavesdropped extensively in Las Vegas and elsewhere in organized crime investigations dur-

ing Kennedy's tenure. Some of those bugged were Baker associates.

The embarrassment for the FBI became more acute with subsequent disclosures of bugging of Black and Baker. Now Hoover, stung by criticism of the bureau, has claimed that eavesdropping "was obviously increased at Mr. Kennedy's insistence while he was in office."

Under Department

The FBI is an arm of the Justice Department and thus is subordinate to the attorney general.

The Hoover-Kennedy dispute burst into the open Saturday with the release by Rep. Gross of an exchange of letters with Hoover, along with two documents Hoover sent him. Gross is visiting relatives in Jackson, Miss., and released the documents there.

Gross asked Hoover about reports indicating the FBI has engaged in eavesdropping and wiretapping without authorization from the attorney general.

Under a policy that originated with President Franklin D. Roosevelt and still in effect, the FBI has been permitted to tap telephone lines in national security cases, but only with the approval of the attorney general in each instance.

Wiretapping is not an issue in the Hoover-Kennedy controversy. The eavesdropping in Las Vegas and elsewhere involved the planting of microphones in hotel rooms

and offices and transmission of the monitored conversations to an FBI listening post via special leased telephone lines.

Hoover sent Gross an Aug. 17, 1961, FBI memo signed by Kennedy in which Hoover said Kennedy approved policy for the usage of microphones covering both security and

major criminal cases.

Hoover said Kennedy exhibited great interest in such matters and, while in different metropolitan areas, not only listened to the results of microphone surveillances but raised questions relative to obtaining better equipment.

Kennedy did not reply to this point, but a source close to Kennedy said the senator heard tapes of conversations between underworld figures at two briefings on organized crime by FBI agents in New York and Chicago in 1963.

The source said there was no discussion of how

the tapes were obtained but there was a strong implication that the tapes were made by New York and Chicago police.

Hoover also sent Gross a May 25, 1961, letter from Asst. Atty. Gen. Miller to Sen. Sam J. Ervin Jr. (D-N.C.) in which Miller said the FBI had 78 wiretaps and electronic listening

devices in effect in internal security and organized crime investigations.

Kennedy did not refer to the FBI memo or the Miller letter in his statement.

Later he said through a spokesman that he had no knowledge of the Miller letter. As for the memo, Kennedy said he "has no present recollection of it."

Talks of Eavesdropping

The FBI memo discusses microphone eavesdropping in New York and seeks Kennedy's approval to "use leased telephone lines as an adjunct to our microphone surveillances." If this were done, the memo says, "this type coverage can be materially extended both in security and major criminal cases."

The spokesman for Kennedy said the senator feels that the memo's language is "entirely prospective," suggesting that before the FBI eavesdropped in a specific case it would seek

approval from Kennedy.

"This never happened," the spokesman said, adding that the memo is explained in part by Evans' letter.

Kennedy said in his statement that Hoover should have consulted Evans before speaking out.

Kennedy noted that Evans, now a lawyer in Washington, was in the FBI for 21 years and served as the bureau's liaison officer with the attorney general's office during

Kennedy's tenure

Kennedy said Evans "was present on each occasion when any matter was discussed with any representative of the FBI, including matters referred to in Mr. Hoover's statement."

Letter Quoted

Evans said in his letter:

"On Jan. 10, 1961, while you were attorney general-designate, a memorandum was delivered to you furnishing a summary of the use of wiretapping by the FBI in serious national security cases. Thereafter, individual requests in these . . . cases for wiretap authorization were sent to you by the FBI for approval. These were the only wiretap authorizations which were ever submitted to you.

"Since prior attorneys general had informed the FBI that the use of microphones, as contrasted to telephone taps, need not be specifically approved by the attorney general, I did not discuss the use of these devices with you in national security or other cases, nor do I know of

any written material that was sent to you at any time concerning this procedure, or concerning the use, specific location or other details as to installation of any such devices in Las Vegas or anywhere else."

The FBI has been under attack for the bugging in Las Vegas and elsewhere because of the constitutional guarantee under the Fourth Amendment against unreasonable search and seizure. Trespass occurred in the bugging and courts have ruled that evidence obtained by trespass violates the Fourth Amendment.

Clearly, Hoover feels that Kennedy should take some of the responsibility—and heat—for the illegal bugging that occurred during his administration.

Kennedy, just as clearly, feels he should not be blamed for a practice he says he doesn't approve and of which he insists he had no knowledge.

The meeting of the President, Hoover and Katzenbach preceded the issuance of a policy memorandum by Mr. Johnson to all government agencies on June 30, 1965, on eavesdropping.

The memo is said to ban all forms of eavesdropping except in national security cases and then only with approval of the attorney general. It has never been made public. **END**