

# Texts of Letters on Wiretap Controversy



Associated Press  
J. Edgar Hoover

JACKSON, Miss., Dec. 10—Following are the texts of a letter dated Dec. 5, 1966, from Representative H. R. Gross, Republican of Iowa, to J. Edgar Hoover, director of the Federal Bureau of Investigation; of Mr. Hoover's reply to Mr. Gross, dated Dec. 7, 1965; of a document dated Aug. 17, 1961, signed by Robert F. Kennedy, then Attorney General, and of a letter dated May 25, 1961, from Herbert J. Miller Jr., then Assistant Attorney General. The Kennedy and Miller communications were enclosed in Mr. Hoover's letter. The letters were released here today by Mr. Gross, who was in Jackson visiting his brother. There appeared to be deletions in the Kennedy communication.

## Gross Letter

It has come to my attention that there have been many news stories that have indicated that the F.B.I. has engaged in "eavesdropping" and wiretapping without authorization from the Attorney General. There have been statements from the former Attorneys General indicating, if not saying, that they did not authorize some of the "eavesdropping" in a number of well publicized cases.

It has been my impression in the past that the F.B.I. engaged in "eavesdropping" and wiretapping only upon authority from the Attorney General. It was my understanding that the F.B.I. had adhered to this policy and there exists "full documentation" of the fact that the F.B.I. action was authorized by the Attorney General.

I would appreciate it if you would send me any documentation that you have that authorized the F.B.I. "eavesdropping" that resulted in the overhearing of conversations of Robert G. (Bobby) Baker, Fred B. Black, Edward Levinson and Benjamin Siglebaum.

If there is some reason why the documentation itself cannot be sent to me in any of these cases, I would appreciate your assuring that such documentation exists with the name of the Attorney General, Deputy Attorney General or other Justice Department officials who gave the authorization.

I am sure that you will want this matter cleared up as much as I do. I dislike seeing the good name of the F.B.I. damaged by what would appear to be unfounded allegations that the agency was acting without authority from an

Attorney General.

## Hoover Letter

I welcome the opportunity to answer your letter of Dec. 5, 1966. The questions you raised were most incisive. I have always felt that the Congress, in representing the general public, has every right to know the true facts of any controversy. This is the policy I have always practiced when appearing before

the Appropriation Committees of the Congress; consequently, I feel compelled to do likewise in replying to your letter.

Your impression that the F.B.I. engaged in the usage of wiretaps and microphones only on the authority of the Attorney General of the United States is absolutely correct. You are also correct when you state that it is your understanding that "full docu-

mentation" exists as proof of such authorization.

All wiretaps utilized by the F.B.I. have always been approved in writing, in advance, by the Attorney General.

As examples of authorizations covering the period in which you are specifically interested, you will find attached to this letter a communication dated Aug. 17, 1961, signed by former Attorney General Robert F. Kennedy, in which he approves policy for the usage of microphones covering both security and major criminal cases. Mr. Kennedy, during his term of office, exhibited great interest in pursuing 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.

He was briefed frequently by an F.B.I. official regarding such matters. F.B.I. usage of such devices, while always handled in a sparing, carefully controlled manner and, as indicated, only with the specific authority of the Attorney General, was obviously increased at Mr. Kennedy's insistence while he was in office.

I thought you might like to know that the Congress has been advised by the Department of Justice on occasion regarding F.B.I. usage of electronic equipment, both in the internal security and organized crime field. Senator Sam J. Ervin Jr. [Democrat of North Carolina] wrote Mr.

Kennedy's assistant, Herbert J. Miller Jr., Assistant Attorney General, Criminal Division, on May 19, 1961, relative to this matter.

Mr. Miller, under date of May 25, 1961, in reply, indicated the complete knowledge of the Department of Justice in such matters in that the specific number and areas of usage were definitely pinpointed. A copy of Mr. Miller's letter is attached.

I had a conference with the then Attorney General Nicholas deB. Katzenbach on March 30, 1965, in which I made recommendations similar to those I had made to each Attorney General following the administration of Attorney General Tom C. Clark. Such recommendations concerned strong, simple control by the Attorney General of procedures affecting electronic devices utilized by all

Federal investigative agencies.

President Lyndon B. Johnson on June 30, 1965, issued a memorandum to all executive departments and agencies in all cases except those related to the internal security of the United States. This prohibition included the fact that no interception was to be undertaken or continued without first obtaining the approval of the Attorney General. This, of course, is the practice which has always been followed by the F.B.I.

I can assure you, backed by the proven record of long years of service, both by myself and the many career personnel of this bureau, that the F.B.I. has never operated in an irresponsible, unauthorized or uncontrolled manner. To reiterate, the minute number of electronic devices used have been authorized by the Attorney General. I would not allow practices to exist otherwise.

It was good of you to write me, and your interest in our activities is deeply appreciated.

### Kennedy Document

In connection with the use of microphone surveillances, it is frequently necessary to lease a special telephone line in order to monitor such a surveillance. These situations occur when it is impossible to locate a secure monitoring point in the immediate vicinity of the premises covered by the microphone. Even though a special telephone line is utilized, this activity in no way involves an interception of telephonic communications and is not a telephone tap.

In the New York City area the telephone company has over the years insisted that a letter be furnished to the telephone company on each occasion when a special telephone line is leased by the F.B.I. It is required that such a lease arrangement be with the approval of the Attorney General.

In the past we have restricted the utilization of

highly restrictive basis.

The Federal Bureau of Investigation has 67 of these devices in operation. The majority are in the field of internal security with a few used to obtain intelligence with regard to organized crime.

The department feels the information in the third paragraph should remain confidential. However, whether the information should be made public is left with your dis-

leased lines in New York City, to situation involving telephone taps, all of which have been approved by the Attorney General.

We have not previously used leased lines in connection with microphone surveillances because of certain technical difficulties which existed in New York City. These technical difficulties have, however, now been overcome. If we are permitted to use leased telephone lines as an adjunct to our microphone surveillances, this type of coverage can be materially extended both in security and major criminal cases.

Accordingly, your approval of our utilizing this leased-line arrangement is requested. A sample of the letter which is proposed will be sent to the telephone company if a leased line is secured in connection with microphone surveillances as attached.

Approved, Robert F. Kennedy (signature).

### Miller Letter

Thank you for your letter of May 19, 1961.

I have been advised that as of Feb. 8, 1960, the Federal Bureau of Investigation maintained 78 wiretaps.

You also request information "relative to the nature and extent of the use of electronic eavesdropping apparatus by agents of the Department of Justice." I have checked with the Federal Bureau of Investigation and, as in the case of wiretapping, the technique of electronic listening devices is used on a