

WIRE-TAPPING AND THE FBI

Hill Unit Wants More Answers, as Questioner Is Questioned

By EVERT CLARK

Asst. Atty. Gen. Warren Olney, speaking pleasantly and looking a little like a movie star (Ronald Colman), seemed embarrassed.

Ordinarily, as head of the Justice Department's criminal division, he'd have asked the questions.

Now members of a House Judiciary subcommittee were asking him things he couldn't answer—about wire tapping.

He started off by saying the Department was not backing any of five wire-tap bills the congressmen were considering. Authors of three of them sat facing him, and a fourth came in later.

NO OPINION

Mr. Olney said he had no opinion on the bills, and he would ride with what his boss, Atty. Gen. Herbert Brownell, had said last year about wiretapping generally.

It is "no secret," he said, that the FBI taps wires with Mr. Brownell's authorization, as established by law.

What law? the Congressmen asked. After some confusion it turned out that Mr. Olney meant administrative law . . . inherited from past administrations, which Mr. Brownell "cannot reverse."

'GOOD PRACTICE'

Cannot reverse? asked a Congressman. Well, Mr. Olney said, Mr. Brownell — and those before him, and Congress — seemed to agree that tapping was "a good practice" anyway as long as it was done the way the FBI did it, under controls.

About these controls . . . It had been rumored for years that "many wiretaps by FBI agents and others were unauthorized," said a Congressman.

"All I know about that," said Mr. Olney, "is (FBI Director J. Edgar) Hoover's own testimony . . . at no time even during the war years have the number of FBI wire-taps ever exceeded 200 at one time."

"That's all the information I have. There are not any more taps by the FBI excepting those."

TAPS ON HILL

What about a rumor that one Capitol Hill committee's wire had "several hundred taps" on it one day last year, a Congressman asked—"so many that there was a power failure?"

"I'm as positive as I'm sitting here that not a single one of them was ever authorized or ever attached by the FBI," said Mr. Olney. He said you hear "so many wild statements" these days and he urged caution.

Next came questions as to how many people knew when an FBI wire-tap was on, who supervised it, etc.

'KEPT SECRET'

Mr. Olney said it is all "kept secret" between Mr. Hoover and Mr. Brownell and only Mr. Hoover himself can ask Mr. Brownell's permission to tap.

"There has not been one single instance when I or any other attorney in the criminal division has seen the results of an FBI wire-tap," Mr. Olney said.

The Congressman found this incredible. The questions became more detailed, and they came faster. Mr. Olney indicated things were so secret he didn't know most of the answers.

FBI IS 'LOATH'

Chairman Emanuel Celler (D., N. Y.) announced that the FBI "is loath to appear" before the committee, even in secret session.

"I want that stated on the record," he said. Then he told Mr. Olney he had many more questions, gave some examples, and said he couldn't legislate intelligently without the answers.

"I'm going to ask you, Mr. Olney, to confer with the Attorney General

- Mr. Tolson
- Mr. Boardman
- Mr. Nichols
- Mr. Belmont
- Mr. Harbo
- Mr. Mohr
- Mr. Parsons
- Mr. Rosen
- Mr. Tamm



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ENCLOSURE

- Wash. Post and Times Herald
- Wash. News
- Wash. Star
- N. Y. Herald Tribune
- N. Y. Mirror
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and see if we can't get the information up here," he said.

Mr. Olney looked as if he'd be glad to leave right away, but Rep. Laurence Curtis (R., N. Y.) had more questions.

Did Mr. Brownell want to make unauthorized wire-tapping a crime? Mr. Brownell didn't ask for that in a wire-tap bill which he backed last year.

"I know he detests the practice and thinks it should be made illegal," said Mr. Olney, "but before I go and commit him too far..."

He then gave his personal opinion that you get "quite close to fundamental principles of government" if the United States tries to outlaw what some states allow.

He said he personally would favor letting the states worry about it.

"Didn't the Attorney General say last March 9 that he favored outlawing it?" Rep. Curtis asked.

QUOTATION

Mr. Olney was flustered, and unsure. Rep. Curtis quoted from a speech in which Mr. Brownell said: "Unauthorized wire-tapping should be made a Federal crime."



WARREN OLNEY

After a few more questions—and a reminder that they wanted more answers—the Congressmen told Mr. Olney he could go.