

Hoover, Kennedy Step

1966

Phone 223-6000 Circulation 223-5100
Classified 223-5200

TEN CENTS

Up Bugging Row

Each Raises Question of Credibility

FBI Chief Releases
2 Memos on Aide's
Talks With Senator

By Jean M. White
Washington Post Staff Writer

FBI Director J. Edgar Hoover and Sen. Robert F. Kennedy (D-N.Y.) all but called each other liars yesterday as the dispute over responsibility for FBI eavesdropping flared into a bitter personal exchange.

Hoover didn't use the word "liar" in replying to Kennedy's Saturday statement in which the former Attorney General denied knowledge of FBI "bugging" in criminal cases.

Instead, Hoover called it "absolutely inconceivable" that his former boss would make such a statement.

Didn't Talk to Hoover

In turn, Kennedy told The Washington Post that Hoover was not telling the truth if he implied that as Attorney General, Kennedy had ordered or arranged for FBI electronic eavesdropping.

The Senator said he never talked to Hoover or any of

Hoover's men about "bugging" and no memo exists to show that he did.

In a statement released later by his press secretary, Kennedy said:

"It may seem 'inconceivable' to Mr. Hoover that I was not aware of the 'bugging' practices of the FBI during my term as Attorney General, but it is nonetheless true.

Takes Responsibility

"Perhaps I should have known, and since I was Attorney General, I certainly take responsibility for it, but the plain fact of the matter is that I did not know."

Yesterday Hoover pulled two more documents out of the file to back up his contention that Kennedy knew and even intensified the "bugging" practices that now threaten to undermine several Justice Department prosecutions because of possible use of tainted evidence.

Both were 1961 memos from Courtney A. Evans, then assistant FBI director. He now works part-time in the Justice Department as head of the Office of Law Enforcement Assistance.

On Saturday, Kennedy released a Feb. 17, 1961, letter sent to him at his request by Evans. In the letter, Evans, FBI liaison man with Justice during Kennedy's term, said he "did not discuss" the use of microphones with Kennedy nor did he "know of any written material" sent to the Attorney General on the subject.

Hoover also labeled Evans' letter "absolutely inconceivable."

Hoover said the two memos released yesterday reflect discussions between Kennedy and Evans over FBI use of microphone surveillances.

In one memo, dated July, 7,

See BUG, A8, Col. 3



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D. C.

August 17, 1961

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 any 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 FBI. 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 leased lines in New York City to situations 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 it is proposed will be sent to the telephone company if a leased line is secured in connection with microphone surveillances is attached.

Approved: Robert Kennedy

Date: _____

FROM FBI FILES—This is a photostat of a document signed by Robert Kennedy when he was Attorney General and made public Saturday by J. Edgar Hoover.

1961, Evans is represented as reporting on a discussion with the Attorney General that morning "relative to his observation as to the possibility of utilizing 'electronic devices' in organized crime investigations."

The memo continued: "The Attorney General stated that he recognized the reasons why telephone taps should be restricted to national-defense-type cases and he was pleased we had been using microphone surveillances where these objections do not apply wherever possible in organized crime matters."

A second memo, dated Aug. 17, 1961, reported Evans had talked to the Attorney General about obtaining leased lines from the telephone company to use with microphone surveillances in New York City.

"The matter," the memo stated, was discussed with the Attorney General, "who personally signed the attached memorandum evidencing such approval."

Hoover previously had made this document public.

In a quick reply yesterday, Kennedy maintained that he first became aware of the eavesdropping practices when he read about them in the

press in connection with the Las Vegas investigation. He promptly ordered the eavesdropping "ceased," he added. "It is curious that Mr. Hoover does not recall it," Kennedy tartly observed.

Didn't Seek Permission

He said there is no indication that Hoover ever asked him for authorization for any single 'bugging' device in Las Vegas, New York, Washington, "nor anywhere else."

Kennedy's statement concluded pointedly:

"Since Mr. Hoover is selectively making documents public, I suggest that he make his entire file available and indicate under which Attorney General this practice began, whether prior Attorney Generals authorized it, and whether or not they were as uninformed as I was."

In his letter, Evans drew the distinction between telephone wiretaps and electronic eavesdropping, or "bugging." Wiretap requests were sent to Kennedy for approval in certain national security cases, he said.

Evans stated in his letter that he did not discuss with Kennedy the use of microphone surveillance—as contrasted with telephone taps—

Kennedy Clash Over FBI 'Bugging' Roles

because prior Attorney Generals had informed the FBI that these need not be specifically approved by the Justice Department chief.

Evans could not be reached for direct comment last night. It was reported that he was leaving today for Puerto Rico.

Acting Attorney General Ramsey Clark would not comment on the case last night.

"Not having seen all the documents and statements and not having talked to all the people about it, I do not feel I should comment," he said.

Other Justice Department sources indicated that Hoover was acting entirely on his own and had no authorization to speak for the Department in this matter.

It was also learned from other Government sources that the FBI had additional documents relating to the "bugging" controversy. These may be released "if it becomes necessary," a source said.

Cases Reviewed

The Justice Department now is reviewing cases that may have been tainted by illegal evidence obtained by electronics eavesdropping. Clark ordered the reviews to see how many trials involved Federal monitoring

before President Johnson banned "bugging" in all but national security cases in June, 1965.

Last month the Supreme Court ordered a new trial in the tax-evasion case of Fred B. Black, a Washington lobbyist and onetime business associate of former Senate Majority Secretary Robert (Bob) Baker, because Black's hotel suite was "bugged."

There never has been any love lost between Kennedy and Hoover. But the "bugging" dispute has brought the personal animosity into the open with direct exchanges and waving of memos before the public.

While Attorney General Kennedy backed a wiretap bill to permit Federal and state law enforcement officials, acting under court orders, to tap telephone lines in case of a specified list of

major crimes. The measure, which was never enacted, would have permitted information obtained to be used as evidence in court.

Last March then Attorney General Nicholas deB. Katzen-

bach told a Senate subcommittee that he would prefer a law banning all wiretapping over one that did not limit its legal use to specific crimes, including those in the field of national security.