

Sen. Robert F. Kennedy (D-N.Y.) not only knew of FBI eavesdropping in criminal cases, but stepped it up while he was Attorney General, FBI Director J. Edgar Hoover declared in a letter made public yesterday.

Kennedy issued an immediate denial through his Washington office. The Senator declined to answer newsmen's questions directly.

Hoover made the explosive allegations in correspondence he sent this week to Rep. H. R. Gross (R-Iowa).

The documents put the FBI Director and his former boss squarely and publicly at odds over who was responsible for the rash of "bugging" cases that have plagued the Justice Department.

Kennedy has repeatedly said that he did not authorize any general program of electronic eavesdropping or wiretapping. He said in a statement yesterday that "apparently Mr. Hoover has been misinformed."

'Exhibited Great Interest'

Hoover declared that Kennedy specifically "approved policy for the use of microphones covering both security and major criminal cases.

"Mr. Kennedy, during his term of office," Hoover continued, "exhibited great interest in pursuing such matters and, while in different metropolitan areas, not only listened to the results of microphone surveillances (eavesdropping) but raised questions relative to obtaining better equipment."

The FBI's use of such devices, Hoover said, "was obviously increased at Mr. Kennedy's insistence while he was in office."

In support, Hoover sent Gross an Aug. 17, 1961, memo that Kennedy signed. It was typed on FBI stationery.

The memo said: "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." Then it went on to say that "certain technical difficulties" making this impossible in New York City had been overcome.

Kennedy Cited Letter

"If we are permitted to use leased telephone lines as adjunct to our microphone surveillances, this type of coverage can be materially extended both in security and major criminal cases," the memo added. "Accordingly, your approval of our utilizing

See **HOOVER**, A18, Col. 1

RFK Extended Use of 'Bugs,' Hoover Asserts

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By George Lardner Jr.
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this leased line arrangement distinction between telephone taps and eavesdropping. He is requested."

At the bottom of the memo was a typewritten line reading "Approved" with Kennedy's signature below it.

Kennedy's response cited a Feb. 17, 1966, letter sent to him at his request by Courtney A. Evans, a Washington attorney and assistant FBI director while Kennedy was Attorney General.

As FBI liaison officer with the Justice Department Evans drew the traditional

distinction between telephone taps and eavesdropping. He said that "the only wiretap authorizations ever submitted" to Kennedy for case-by-case approval involved national security.

"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, Nevada, or anywhere else," Evans concluded.

Memo Apparently Overlooked

This, apparently, overlooked the memo Hoover produced. After conferring with the Senator, a spokesman for Kennedy said Kennedy recalled it but considered it "prospective in tone throughout."

Hoover clearly took it as a mandate to go ahead with "bugging" when the FBI thought it was required. But if the memo contained any red flags that Kennedy should have heeded, they went unheeded.

"He was extremely busy with the Bay of Pigs at the time," Kennedy's press secretary, Frank Mankiewicz, said yesterday. "He assumed that they would come to him in each case when they wanted to do this and they never did."

Reminded that the FBI's practice was to seek individual approvals only for wiretapping (which is generally prohibited by law) and not for eavesdropping, Mankiewicz replied: "The Senator didn't know that (at the time)."

Kennedy acknowledged two occasions when he listened to bugged conversations in the presence of FBI agents but declared through his office that he was unaware the bugging had been done by the FBI.

Accusations Answered

"They were playing conversations between hoods—in Chicago and New York, let's say," his office said. "The implication was, strongly, that the conversations had been



Associated Press

Rep. H. R. Gross telling newsmen about eavesdropping.

obtained by local police departments."

Hoover also had said Kennedy inquired about "better equipment." The Senator's office suggested that he may simply have been asking why he couldn't hear the conversations clearly enough.

In his letter to Gross, dated Wednesday, the FBI Director also declared that "all wiretaps (as distinct from eavesdropping) have always been approved in writ-

ing, in advance, by the Attorney General."

Hoover included a May 25, 1961, letter from Assistant Attorney General Herbert J. Miller sent to Sen. Sam J. Ervin Jr. (D-N.C.). Miller said that as of early 1960, the FBI was maintaining 78 wiretraps and 67 electronic devices, mostly in the field of internal security but a few relating "to organized crime."

Kennedy's office said the Senator never saw Miller's letter.