

FBI Claims Kennedy OK'd Tapping of Dr. King's Phone

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A top official of the FBI has claimed that official wiretapping on Dr. Martin Luther King Jr. had the advance approval of the late Atty. Gen. Robert F. Kennedy.

Clyde A. Tolson, the bureau's associate director, defended the legality of the much-criticized tapping of King's phone in a letter dated Monday.

The letter was sent to Carl T. Rowan, a columnist for The Star, and was intended as an answer to an article Rowan wrote for last Sunday's edition, attacking FBI Director J. Edgar Hoover for the electronic spying on King. A copy of the letter was sent to the editor of The Star.

"For your information," Tolson wrote to the columnist, "the wiretap on Martin Luther King Jr. was specifically approved in advance in writing by the late attorney general of the United States, Mr. Robert F. Kennedy."

First Revealed in Houston

Tolson added that the monitoring device "was strictly in the field of internal security, and, therefore, was within the provision laid down by the then President of the United States."

The first public revelation that King had been the subject of FBI wiretapping came earlier this month in a federal court hearing in Houston.

Robert Nichols, a special agent in the FBI office in Atlanta, testified that he had supervised a device attached to the telephone lines at King's home there.

The wiretap apparently was installed sometime in 1964, and there have been indications that the wiretapping continued for some time after that, perhaps until shortly before King's assassination April 4, 1968. Kennedy was attorney general from January 1961 until Sept. 3, 1964.

If the wiretapping had the specific approval of the attorney general, and if it was used as part of a "national security" investigation, it apparently was not operated in violation of legal restrictions in effect at the time.

Rowan Blasts Hoover

Tolson's letter seemed clearly designed to show that both aspects of legality had been met by the FBI. His letter was prompted by comments by the columnist that Hoover had been flouting the law by permitting the wiretap on King's phone. Rowan directly accused Hoover of "abuse of contempt for the law."

Branding this a "malicious" and "scurrilous" article, Tolson invited Rowan to give his answer wide publicity.

The FBI's new defense of itself seemed likely to start a new round of public dispute over the official responsibility for the use of electronic listening devices.

Three years ago, Hoover and Robert Kennedy, then a U.S. senator from New York, traded public charges that each other was responsible for approval of the use of hidden microphones, as opposed to direct wiretap, for investigation.

Kennedy Released Letter

At that time, the late senator made public a letter to him dated Feb. 17, 1966, from Courtney A. Evans, who had been assistant FBI director while Kennedy was attorney general.

While Kennedy relied on that letter to help him make the point that the use of hidden microphones was not Kennedy's responsibility, the letter did carry a paragraph which suggests that Kennedy had been involved directly in approving the use of wiretaps.

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

Evans, now a Washington lawyer, said last night that he simply had no recollection about whether a wiretap authorization directed at King had ever been involved in his discussion with

Kennedy.

Interest Said to Flag

If the King wiretap was installed any time during 1964, and if it did have approval by the attorney general, that could have come only from Kennedy or his successor, Nicholas deB. Katzenbach.

Katzenbach could not be

reached immediately for comment on the matter.

Aides to Kennedy suggested last night that, during 1964, the period after the assassination of his brother, President John F. Kennedy, the attorney general's interest in some of his official affairs flagged.

At the time, Katzenbach, was Kennedy deputy at the Justice Department.

A later attorney general, Ramsey Clark, has told reporters that he personally had never given approval for wiretapping on King. Clark also has said he required the FBI to tell him every three months the names of people being monitored electronically and that King's name was never reported to him in that category.

No Document Included

If the wiretapping had continued until shortly before King's death, it would have been in operation during Clark's leadership of the department.

Tolson's letter to Rowan, while saying that the wiretap on King had been "specifically authorized" by Kennedy, did not say directly that King himself was the subject under investigation.

In addition, Tolson did not include with his letter a copy of the specific document upon which the claim of authorization apparently was based.

Testimony at the Houston hearing appeared to indicate that King himself was the subject of the investigation, and that this was the reason that his telephone had been tapped for long periods of time.

A Justice Department spokesman, asked whether there was any document to support the claim in Tolson's letter, declined a direct answer last night. However, the spokesman referred to a statement issued by the department earlier this month which had said that Hoover was "accurate in every respect" when he had repeatedly told Congress all wiretaps had been authorized in advance and in writing by the attorney general in office at the time the tapping was proposed.

The spokesman thus appeared to be implying that Tolson's letter also was an accurate description of authorization.