approval from the assistant attorney general for the Justice Department's Criminal Division before using any mechanical device to overhear, transmit, or record private conversations without the consent of everyone participating. Records compiled by the Justice Department indicate, however, that approaches from agencies are seldom turned down. Between the start of 1969 and mid-1974, 3,664 requests were granted and only 13 denied. (The figures include other agencies as well as the FBI, but it is safe to assume that a majority comes from the Bureau.) The rules do not extend to telephone conversations, which can be monitored with the permission of one party merely on the initiative of an agency head. Nor do they cover emergency situations, defined as occasions when there is a possibility of "imminent loss of essential evidence or a threat to the immediate safety of an agent or an informant"; in those circumstances, the head of an agency may act on his own authority but must later report the event to the Justice Department anyway* — hardly a serious form of "control." According to the Justice Department statistics for the period from 1969 through mid-1974, 1,945 instances of such emergency monitoring were reported. Doubtless there were many other unreported instances.

It was the unreported and undocumented electronic surveillance that began to cause the most concern in the early 1970s. There was a growing body of evidence that big-city police departments, with the avid cooperation of telephone company officials (many of them former FBI agents) and the tacit endorsement — indeed, the encouragement — of the Bureau, were indiscriminately wiretapping the subjects of both criminal and security investigations. The information obtained, in many instances, was passed along to various interested federal agencies, including the FBI, which would simply indicate in the records that it came from a "police source" or a "concealed source." Two cases received particular attention, in Richmond and Houston; in both places, the local FBI field office knew about police wiretapping that violated federal law, but failed to confiscate the listening devices or to initiate or follow through on interception-of-communications (IOC) investigations. Anthony J. P. Farris, the former United States attorney for the Southern District of Texas, testified before the House Select Committee on Intelligence that he tried repeatedly, but in vain, to persuade successive SACs of the Houston Field Office to probe vigorously the out-of-channels FBI–police–phone company arrange-

* Hoover refused to delegate his discretion to any subordinate, even on nights and weekends, and so during his last years it became virtually impossible for FBI agents to obtain emergency permission for body recorders and other "consensual monitoring" except before 4:45 P.M. on weekdays.

ment. According to Anthony V. Zavala, a former narcotics officer with the Houston police who was himself convicted on wiretapping and narcotics charges, there were perhaps a thousand illegal taps conducted by the department's narcotics division alone between 1968 and 1972, with the results often shared widely. But a similar situation has existed in other major cities, including Baltimore, Chicago, and Washington, for years.

One young agent says that he and most of his colleagues would find it "extremely difficult" to launch an IOC investigation against a police department with whom they had worked closely. "Our living depends in a lot of cities on police cooperation," he explains, "because they simply have more guys on the street. They can really hurt us if they don't want to help." Usually, he insists, agents are quite capable of telling when the original source of information they obtain from the police is an electronic surveillance: "When they tell you that [a subject] is going to be someplace at eight o'clock tonight . . . after they tell you that kind of thing ten or fifteen times . . . you realize there's only one way they could know." But most agents will avoid rocking the boat, and will bend over backward to avoid having "guilty knowledge" of an illegal source. Thus, the illegal wiretapping at the local level continues, in part because the only people with a mandate to investigate it are instead sharing in its fruits.

Because the internal FBI and Justice Department procedures for obtaining approval of a Title III legal wiretap are so complex, some agents, before they actually go ahead with one, may make an illegal, unauthorized interception on the line first – to be certain that the people under investigation are still using the same phone.

Another variety of unofficial, unspoken interception of communications by the Bureau that went on for decades involved the routine pickup by agents of copies of all international cable traffic transmitted from Washington on the channels of Western Union, RCA, ITT, and the like; the cables were perused for any material of security interest to the FBI and other intelligence agencies. The practice was suspended in 1975, however – less out of any feeling that it was improper than out of confidence that the same information could now be obtained more efficiently by electronic means by the National Security Agency (which also monitors, records, and stores for future retrieval all international telephone calls to and from the United States, as well as some domestic ones).

FBI reports and other documents are often sprinkled with phrases that seem to indicate exotic sources of information – such as a "confi-